

Watergate Leaks: Fair Play or Foul?

[MORE]

Getting It Right At The New Yorker

A Small Town Battles To Ban Ms. Magazine

Also: Oil Advertising; Journalists Party At Rocky-Kissinger Bash



Paul Richer

The Mayor, The Times, and The Lawyers

BY BRIT HUME

Last January, Denny Walsh checked into the Seal Rock Inn, an obscure motel on San Francisco's west side. He lived there for most of the next three months, registered in his own name, but keeping out of sight and occasionally operating under the assumed name of Charles Freeman. An investigative reporter with *The New York Times*, Walsh was on an assignment which had intrigued him since his days with *Life* magazine: to investigate San Francisco Mayor Joseph Alioto's testimony about his alleged Mafia connections, given in his protracted libel suit against *Look* magazine.

In 1969, *Look* published an article by two relatively unknown writers, Lance Brissan and Richard Carlson, which charged that Alioto was "enmeshed in a web of alliances" with a half-dozen Mafia leaders. Alioto, an irrepressible and ambitious man with his eye on the California governorship, sued Cowles Communications, *Look*'s owner, for libel. Cowles has now won the case on a motion for summary judgment, but Mayor Alioto is appealing. Moreover, the motion was granted only after the case was tried twice, both times ending in a hung jury. In the second trial, the judge ordered the jury to find that some of the *Look* charges were false, principally the allegation that Alioto had met several times at a California roadhouse with a number of Mafia figures, including Frank Bompensiero, a man identified by the FBI as a San Diego mafioso. Although Alioto has not won the case, his aggressive public relations

Brit Hume, [MORE]'s Washington editor, is the author of Inside Story, a book about his experiences as an associate of Jack Anderson to be published this month by Doubleday & Co., Inc.

**Last January,
New York Times
reporter Denny Walsh
set out to investigate
San Francisco Mayor
Joseph Alioto. In April,
he wrote a lengthy
piece based on his
research. But the story
has never run.**

and the failure of Cowles to prove all the *Look* charges have made the case a clear moral victory for him, certainly rescuing him from the political oblivion to which such exposes send most politicians. (The expense of the case has also been cited as a factor in hastening *Look*'s demise in 1971.)

Russell Sackett, who was Walsh's boss at *Life* and is now with *Newsday* in Washington, says *Life* had been urged to investigate Alioto while Walsh was still with the magazine. "We had it about second or third on the priority list," says Sackett. "I got a call from Brissan about the piece he and Carlson had done. He wanted to know if we might be interested in it, but I told him we were a pretty poor market for freelance investigative pieces since we had a unit of our own. He asked what I would do in his position and I said I would take it down the street to *Look*." After the *Look* case had been filed, Walsh was urged by govern-

ment sources to examine parts of Alioto's testimony.

According to sources at the *Times*, Walsh first broached the idea of looking into the Alioto case to national editor David Jones last fall. The response was favorable. "As far as I know," said a *Times* source, "there was never any opposition to it. They wanted to know when Denny planned to start work on the story. He said after the first of the year and they said okay."

During his three-month investigation, Walsh returned several times to Washington, where he is based, to visit his family and, on one occasion, to obtain what he considered a crucial piece of documentation. He also made trips to Los Angeles and San Diego. Most of his time, however, was spent in San Francisco poring over the voluminous record of the libel case and seeking documentation for instances where his sources had raised questions about the mayor's testimony. He accumulated a massive amount of material, which, according to a West Coast source who stayed in touch with him, he did not keep in his motel. Nevertheless, according to this source, he awakened one night, shivering, to find that his motel window had been opened and the room apparently entered. Nothing was found missing. On another occasion, according to this source, Walsh ate dinner with a friend at a restaurant on Fisherman's Wharf. They came out of the restaurant to find that the friend's car had been broken into and a suitcase and briefcase, neither belonging to Walsh, had been stolen.

In mid-April, Walsh finally sat down in San Francisco and wrote the first draft of his story in longhand on a legal pad. It ran nearly 10,000 words. Walsh then flew home where he and *Times*

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by Brit Hume

In April, after a three month investigation, *New York Times* reporter Denny Walsh sat down and wrote a 5,000-word story about San Francisco Mayor Joseph Alioto. But it has never run. [MORE]'s Washington editor traces the history of the piece and speculates on why the paper shelved it.

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Annals of Checking

by Judith Adler Hennessee



At *The New Yorker*, which tries harder than any other publication to get its facts straight, the work of a checker is never done. Endless hours are spent in obscure libraries or haggling with authors to substantiate every word that goes into the magazine. Checkers are usually right. Sometimes they're wrong.

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'A Roller Coaster to Hell'

by Ann Marie Cunningham

Ms. magazine was a popular item in the Mt. Anthony High library, until some parents in Bennington, Vermont suggested that its articles might be the root of some evil. What followed was small-town democracy at work—sort of.

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Countering the Oil Slick

by Frances Cerra

The oil companies are spending millions of dollars these days burnishing their images. Public interest groups seek to counter the blitz with little success, and few journalists seem interested in challenging the oilmen's message.

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Some of the nation's top journalists wine and dine at Rockefeller's bash for Kissinger. . . . Another marijuana ad rejected by *Time*. . . . Two tales of the Boston *Globe* and its gay advertisers. . . . Journalism around the nation: Beaver Falls, Pa. . . . Rosebuds to Martin Umansky and KAKE-TV in Wichita, Kansas. . . . Corrections.

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A defense of Watergate leaks, by Adam Clymer, who covers the House Judiciary Committee hearings for the *Baltimore Sun*.

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AUGUST 1974

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Editor

Claudia Cohen
Associate Editor

J. Anthony Lukas
Senior Editor

Brit Hume
Washington Editor

William Woodward 3rd
Publisher

Daniel McNamee
Associate Publisher

David A. Lusterman
Circulation/Promotion

Kathy Jones
Advertising/Special Projects

Malcolm Frouman
Art Director

Contributing Editors: David Halberstam, Bob Kuttner, John D. Marks, Karl E. Meyer, Marty Norman, Terry Pristin, Joseph Roddy, David M. Rubin, Richard Schickel.

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New York, New York 10017

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LETTERS

An Arab Bias?

I found most interesting your presentation on the subject: "Is There a Jewish Bias in Middle East Coverage?" [June, 1974]. But the material seemed preponderantly to represent one side of the question. Measuring the space devoted in [MORE], I found that the Arab viewpoint received about 88 inches, or 72 per cent of the coverage, and the Israeli position 34 inches, or 28 per cent, which seems most disproportionate. It makes me wonder: Is there an Arab bias in [MORE]?

—Morrie Goldfischer
Jackson Heights, N.Y.

The Eleventh Worst?

I'm afraid you pulled a monumental boo-boo in calling the *St. Louis Globe-Democrat* one of the United States' 10 worst dailies ["The Ten Worst"—May, 1974]. As one who is both a press critic and a knee-jerk liberal, let me say that the politically conservative *Globe-Democrat* is not only *not* one of the 10 worst, it is probably more nearly one of the 20 or 25 best, and in a number of ways it is better than its rival, the *Post-Dispatch*.

If you guys are so far left of center that you couldn't possibly consider a conservative newspaper a good one, you're in trouble. The *Globe*, a regular entrant in the annual Newspaper Workshop Awards in general excellence, which I sponsor and judge, is a crusading, hard-hitting paper which does a good job of digging up the dirt in St. Louis. Admittedly, its editorial outlook is right of center, and possibly it digs up a little more liberal dirt than conservative dirt—I don't have any definitive documentation on this—but the *Globe* is one of the nation's better metro dailies. To denigrate it simply because you don't like its politics is lowering yourselves to the William Loeb level.

Your other choices were excellent ones, but in my view there was one obvious and glaring omission, all the more so because it's right on your doorstep. I refer to the *New York Post*. If ever a newspaper failed to live up to its potential, and in fact has gone roaring downhill from its former glory days, the *Post* is it. Here we have a tired and boring publication whose only function surely is to occupy the time of the subway straphanger during his half-hour ride—you know, maybe he ran out of chewing gum or something. The *Post* goes to press in the afternoon with day-old news—either written the previous afternoon by its beat reporters or rewritten on the previous graveyard shift by its rewrite men from news that also occurred the day before; in any case, it's stale. The overall impression is of a bored and tired crew dazedly filling the holes between the ads.

In the late 'fifties and early 'sixties the *Post* had its day of glory as a hard-hitting crusader under its then executive editor, Jim Wechsler, since demoted to editorial-page editor by Dolly Schiff [*Post* editor-in-chief and publisher], who is a classic example of A.J. Liebling's dictum that what we need is not journalism schools but schools for publishers. Now the only thing good left in the paper is Wechsler's editorial pages.

The *Post* belongs on your list of the 10 worst. I really wish someone with a lot of money—Rockefeller? Lindsay?—would start up a good New York afternoon paper. John Shaheen's project isn't going to be it, alas. If some millionaire came up with what the *Post* used to be like, the present *Post* would fold up like a circus tent.

—Robert A. Juran
Director, Newspaper Editorial
Workshop Services
Berkeley, Calif.

Art Macho

In his interesting article on the lack of cultural investigative reporting in U.S. journalism ["Behind the Damask Curtain"—July, 1974] Karl E. Meyer assumes that I used a pen name in a magazine piece about ex-museum director Perry T. Rathbone because of "the inhibitions that prevail in art reporting." The assumption is logical but incorrect. Compromising my relationships with the Boston Museum of Fine Arts has never been a matter of moment to me since, after 25 years of covering the place, I know how to find the side exits if I incur the wrath of the grandees of the administration. Yes, there were inhibitions, but they were of a personal rather than a general character. I was not then the art critic of the *Globe*; the art critic was an old friend, and I didn't want to invade his turf. As Jack Connor, I had a name that gave art reporting a raffish locker-room air, the first macho in the field with the possible exception of Marcel Duchamp.

Meyer's points are still valid otherwise, particularly the gap he indicates between publishers and editors who serve on museum boards and thereby acquire status, and art reviewers who have a professional standing, accurately depicted in Edwin O'Connor's novel *The Last Hurrah*, somewhere below Contest Editor.

—Robert Taylor
The Boston Globe
Boston, Mass.

An Announcement

With this issue, Karl E. Meyer and Richard Schickel join [MORE] as contributing editors. Meyer, who wrote last month's examination of the art of not covering the art scene ("Behind The Damask Curtain") and pursues the subject this month in bestowing rosebuds on Wichita broadcaster Martin Umansky (page 4), is the author of six books, most recently *The Plundered Past* (Atheneum). Until he left daily journalism in 1971, he was for 15 years a reporter, foreign correspondent and editorial writer for *The Washington Post*. . . . Schickel, who has explored Marshall McLuhan, F. Scott Fitzgerald and film as journalism in these pages, reviews movies for *Time* and has written 10 books, including *The Disney Version* (Simon & Schuster) and *His Picture in the Paper: A Speculation on Celebrity in America based on the Life of Douglas Fairbanks, Sr.* (Charterhouse).

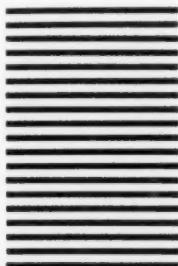
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HELLBOX

Continuing Sagas

Another advertisement for marijuana law reform has been rejected by *Time* (Hellbox—July, 1974). No reason for the decision was given to the prospective advertiser, the National Organization for the Reform of Marijuana Laws. But since the ad contained no references to any other possibly offensive subjects—as did an earlier ad NORML submitted—it appears that *Time* is simply not willing to touch the marijuana issue in its ad columns.

Who's in the Tub?

Despite I.F. Stone's warning that a reporter ought "to be regarded as non-respectable, to be a pariah, to sit in your tub and not want anything," 29 of the biggest names in journalism turned out on June 22 for perennial presidential candidate Nelson Rockefeller's party for media darling Henry Kissinger. At Rockefeller's lavish Pocantico Hills estate in New York's Westchester County, amid all the Excellencies, Honorables and heavyweight Republicans, they dined and danced in celebration of Kissinger's nuptials.

Nancy Kissinger, bedridden with ulcers, didn't make it. But more than 300 did, including columnist William Buckley, NBC anchorman John Chancellor, ABC anchorman Howard K. Smith, Today Show host Barbara Walters, *New York Times* Washington bureau chief Clifton Daniel, *Times* managing editor Abe Rosenthal, Time Inc. editor-in-chief Hedley Donovan, *Newsweek* editor Osborn Elliott, *Amsterdam News* editor and publisher Clarence Jones, and *Daily News* managing editor Mike O'Neill.

Times Sunday editor Max Frankel said he was invited because he and Kissinger are friends. Does this hobnobbing have anything to do with the deferential treatment Kissinger usually receives in the press? "No," said Frankel, "but every reporter has to decide, one at a time, how he's going to deal with his sources and you never get any information until you bridge the formal relationship."

James Wechsler, editorial page editor and columnist for the *New York Post*, said he had never met Kissinger before the party, although he has known Rockefeller for years. "I went because I was curious and because my wife wanted to see the house," Wechsler told [MORE]. He said he was surprised at the media's strong turnout. "There were more press there than anyone," he said, "and it didn't seem like a very select group."

It was too select for Michael Roddy, a reporter for the *Tarrytown Daily News*, Pocantico Hills' hometown paper. Roddy, who heard about the party by accident a few hours before it began, asked Rockefeller's press office for permission to cover it. He was told that the family had barred reporters. "Of course, if we were going to admit reporters," he says the press aide told him, "the local paper would come first." In the end, the citizens of Tarrytown had to make do with a "scoop" that Kissinger was going to arrive by helicopter; for the details of the party, they had to wait for Monday's *Times*.

Syndicated columnist Joseph Kraft also made the exclusive guest list. Kraft, who said he's known Kissinger for 30 years, didn't want



New York Post publisher Dorothy Schiff gets the inside story from Henry Kissinger at Pocantico Hills.

Wide World

to discuss why he attended. "If you're beginning at this shallow a level, I shouldn't be talking to you," he said. He offered ("I'm doing you a favor") to explain why it's all right for a reporter to get buddy-buddy with people he covers, but Kraft, who's learned a few tricks from his friend Kissinger, didn't want his wisdom quoted.

Of course there were quite a few invitees unable to attend, like *Washington Post* publisher Kay Graham, *Times* publisher Punch Sulzberger, and CBS newsman Walter Cronkite. Following is a list of those journalists who did get there.

reporters

Marilyn Berger, *Washington Post*
Henry Brandon, *London Sunday Times*
Enid Nemy, *New York Times*

editors

Clifton Daniel, *New York Times*
Hedley Donovan, *Time*
Osborn Elliott, *Newsweek*
Max Frankel, *New York Times*
Mike O'Neill, *Daily News*
A.M. Rosenthal, *New York Times*
James Wechsler, *New York Post*

publishers

Gardner Cowles, Cowles Communications
John Fairchild, *Women's Wear Daily*
Jack Howard, Scripps-Howard
Clarence Jones, *Amsterdam News*
Dorothy Schiff, *New York Post*
Thomas Vail, *Cleveland Plain Dealer*

columnists

Tom Braden
William F. Buckley
Marquis Childs
Rowland Evans
Joseph Kraft
Max Lerner
Bess Myerson
Nick Thimmesch

television

John Chancellor, NBC
Leonard Goldenson, ABC
Howard K. Smith, ABC
Barbara Walters, NBC

Also attending, and defying categorization, was author Theodore White, no doubt taking mental notes for *The Making of the President 1976*.

—AMANDA HARRIS

Where There's Smoke

After a five-year ban on cigarette advertising in the *Boston Globe*, in late May the newspaper reversed its policy. "... there is a larger question here—one of access," said a *Globe* editorial, "a responsibility to [the newspaper's] public to allow the varying voices of the community appropriate access to its advertising space." The same week, *The Advocate*, a national gay newspaper published in Los Angeles, submitted

a small display ad to the *Globe*, which said: "Read about Father Paul Shanley, Priest to 100,000 Boston Homosexuals in the *Advocate*, newspaper to America's Homosexuals." The ad was reviewed by advertising director Dick Osterbloom. "Let's DNC this," he wrote in a memo. "Any objections?" DNC means "do not care to accept." There were evidently no objections; the rejection note advised, "We are returning your check for \$96.73 and the advertising copy as we do not care to publish your advertising."

Explaining the decision, Paul Leahy, assistant national advertising director said that the *Globe* doesn't accept ads for handguns or get-rich-quick books, either. It's a matter of "value judgment," he said. As to how these judgments are made, said Leahy, "The *Globe* doesn't explain why it doesn't run things. It is our policy not to explain that policy.... We can do anything we want to."

But after radio station WBCN and *The Real Paper* reported the decision, the *Globe* responded with some foot-shuffling and a policy reappraisal. Editor Tom Winship said, "It is a question of principle versus taste and judgment. We are in the process of doing some rethinking. Osterbloom, meanwhile, said the *Globe* has no rigid policy in dealing with gay advertising, and suggested the ad be resubmitted.

Several weeks later, the weekly *Boston Gay Community News*, tried to place a classified in the *Globe*. The ad stated, "Read the Gay Community News," and included an address and subscription rate. The *Globe* again decided it did not care to accept this kind of advertising. Five GCN staff members met with the *Globe* editors. Winship told them that the rejection was a mistake and if the classified was resubmitted it would be printed.

—SID BLUMENTHAL

Campus Confidential

Geneva College in Beaver Falls, Pa. (pop.: 14,375), is a small, religious school in the staunchest Calvinist tradition. It prohibits, in addition to the usual undergraduate high jinks, tobacco, profanity and ballroom dancing. In

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HELLBOX

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April, Dennis Atkinson, a reporter for WBVP, the town's only radio station, heard a rumor that Geneva keeps "secret dossiers" on students. Atkinson and the station's news director, Donald Rich, immediately set to work on what they hoped would be the station's first investigative report.

They found two students who said they had seen their files, a third who offered second-hand knowledge and a faculty member who supported the charges. Allegedly the "secret dossiers," unbeknownst to the students, contained names and dates of illegal incidents like "drinking, girl in room and pranks." Rumors of a network of student spies added spice to the story.

Atkinson and Rich also investigated the school's judicial system: a student whose crime is considered serious must appear before the judicial committee and face possible probation or suspension. The identity of the student's accuser may be kept secret to protect him from "ostracism." Although the student is permitted to engage an advisor as a quasi-lawyer, the advisor isn't allowed to speak or cross-examine witnesses because, as Rich was told, "he may make rude remarks."

Armed with their findings, Atkinson and Rich went to the college administrators. In the course of four interviews, Rich said Dean Willard McMillan privately admitted that files exist, but was vague on specifics. When [MORE] contacted McMillan he "categorically denied" the school keeps "secret dossiers" on students and said Rich had made a mistake. McMillan did confirm the rules of the judicial committee, but said he felt there was nothing wrong. "It's not a court of law," McMillan said. "We can't subpoena witnesses or put people under oath, but I feel our system does provide justice."

Throughout the week of April 15, while they were working on the story, Atkinson and Rich said their boss, station manager Walter Broadhurst, was keen on it but wanted to know exactly how many students had dossiers. Neither Rich nor Atkinson could find out, nor could they substantiate the student spies rumor. On April 23, Rich, Broadhurst, McMillan and college president Edwin Clarke met for lunch (Clarke paid). McMillan and Clarke tried to convince them to drop the story because the charges couldn't be proved, but Rich was determined. That night he and Atkinson wrote the first draft of a four-minute report exposing the alleged "secret dossiers" and the college judicial system. The next morning, however, Broadhurst told the reporters the story wasn't tight enough; they needed the exact number of dossiers. End of story.

In June, Rich appealed to [MORE], charging that Broadhurst had killed the story to protect the \$9,225 the station earns broadcasting Geneva's football and basketball games. In response, Broadhurst told [MORE] he did not suppress news. "The story was based on hearsay; there was no firm evidence," he said. "I didn't want to jeopardize my license." Broadhurst also said that the Geneva revenue was less than one per cent of the station's annual revenue.

About an hour after talking to [MORE], Broadhurst confronted Rich and asked if he

ROSEBUDS to station KAKE in Wichita, Kans., for proving that the air can still be free when the monopoly local newspapers attempt the crudest forms of news manipulation. On an important municipal controversy—the location of a new \$3.5 million art museum—KAKE-TV took on the powerful *Wichita Eagle* and *The Beacon* and showed, with depressing clarity, how the Muses can provide a front for Mammon when property development dollars are at stake. In doing so, the radio and television station put in magnified focus the hidden costs of the monopoly press in our thousands of Main Streets.

Briefly, the story began last year with the purchase of the *Eagle-Beacon* by the Ridder chain, a media conglomerate with interests in 18 dailies and 23 weeklies, plus the *New York Journal of Commerce* (the chain will now get bigger if not better following an agreement reached in mid-July to merge with the Knight Newspapers, owner of 16 dailies). Not long after the Wichita papers came under Ridder control, the *Eagle-Beacon* editor, Don Boyett, met privately with the president and vice president of the city's Fourth National Bank to discuss the proposed site for the Wichita Art Museum's new building. Also present were a former mayor of Wichita and a member of the museum's board.

Three weeks after the meeting, the *Eagle-Beacon* blossomed with fervent editorials about the museum site. In five



KAKE's Martin Umansky

were the source on the story. Rich confessed. Then, according to Rich, Broadhurst demanded to see the letter Rich had sent to [MORE], "or I'll fire you." Broadhurst saw the letter, read it and immediately fired Rich "because you misquoted me in the letter." An attempt to get Broadhurst's side of this incident brought a firm "no comment." At press time, Rich had begun work at another station in the area.

The Geneva College mystery is now in the hands of Associated Press Pittsburgh reporter Fred Farrar, who plans to spend time this summer checking Rich and Atkinson's facts. "There's smoke all right, but I don't know whether there's fire," Farrar says. Do the

days, seven editorials appeared in the morning and afternoon papers. All argued that the proposed site was a civic calamity chiefly because it would eat up parking space. As an alternative, the paper proposed a wholly new location in a blighted downtown area that developers want to upgrade. By chance, the alternative site is close to the Fourth National Bank's glossy new \$20 million building. This coincidence was not mentioned, though on March 31 the *Eagle-Beacon* did comment: "It seems wasteful, when a new museum could be the catalyst for private development, to build it where it would not have that effect." The editorial barrage was supplemented by a loaded straw poll—the hoariest device for manufacturing a bogus controversy.

At issue is a new home for the inadequately housed local museum, whose prized holding is the important Murdock collection of American art. (Interestingly, the Murdocks were the owning family of the *Eagle-Beacon* before the Ridder chain took over.) Glossed over by the monopoly papers were the facts that the original museum site had been approved in three city plans, that the land was on city property and thus involved no purchase cost, and that ample new parking space would be provided. These were points effectively developed in a counter-campaign led by KAKE, an ABC affiliate with a tradition of strong local news coverage.

Martin Umansky, the station's general manager, assigned reporter Charles Duncan to the museum story. A dozen revealing broadcasts were the result. For the first time, Wichita's citizens learned of the private meeting between the editor and the bank officials, and of the Fourth National's obvious interest in changing the site. A full reading of the broadcast transcripts, and of the tendentious newspaper stories, suggests eloquently that in monopoly towns broadcasters have a special obligation to put on the air the news deemed unfit to print. The controversy has yet to be resolved, but at least the citizens of Wichita have heard—if not read—the facts.

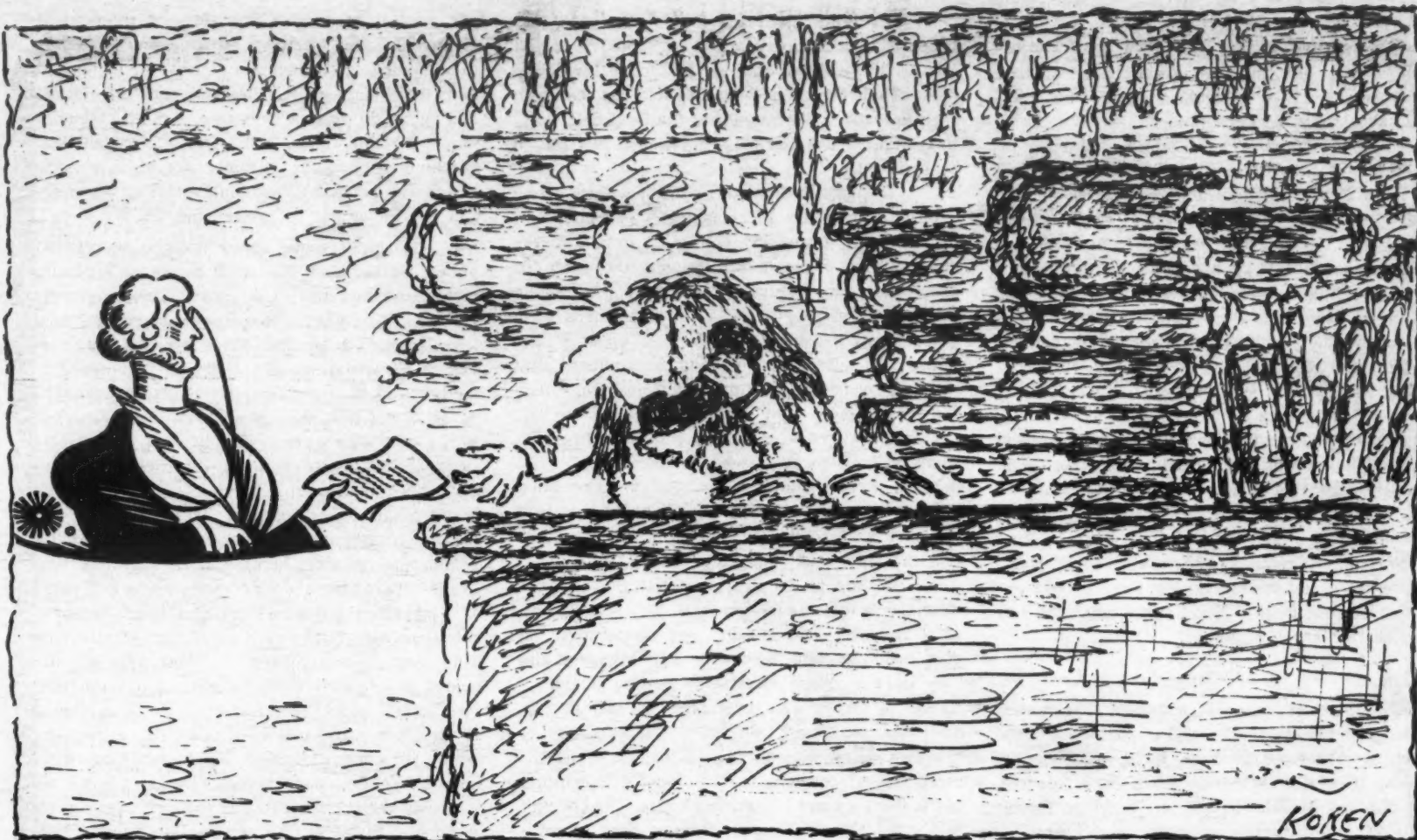
In 1896, William Allen White, editor of the *Emporia Gazette*, wrote an editorial that made him famous—"What's The Matter With Kansas?" In this instance, what's the matter with Wichita is that the White tradition must be upheld by broadcasters who are shaming the mongers of print.

"secret dossiers" exist? Can a Geneva miscreant receive a fair trial in Beaver Falls, Pa.? Stay tuned to your Pittsburgh AP wire for the answers to these and other questions. In the meantime, we can report that Geneva College is considering relaxing the rule against ballroom dancing.

—A.H.

Correction

In The Big Apple last month we identified Robert McG. Thomas, Jr., as a society reporter for *The New York Times*. Although he has written about society often in the past, he is now a night rewrite man and sometimes general assignment reporter on the metropolitan desk.



Ed Koren

Annals of Checking

BY JUDITH ADLER HENNESSEE

During World War II, the Japanese released a series of balloons, with incendiary devices inside, that blew across the Pacific and over the Rocky Mountains. The balloons started forest fires in the Northwest that newspapers were asked not to publicize so that the Japanese would not be encouraged to send more. One of the balloons landed in Hanford, Washington, and shut down a building of the plant that was making the plutonium that went into the bomb that destroyed Nagasaki.

The story appears for the first time in "The Curve of Binding Energy," John McPhee's three-part "Profile" of Theodore B. Taylor, the nuclear scientist, the first part of which appeared in *The New Yorker* on December 3, 1973. McPhee got the story from John Wheeler, a physicist on the faculty at Princeton, who had worked on the Manhattan Project (which developed the first atomic bomb) and the Hanford Project. Wheeler was somewhat vague about the details, but he gave McPhee the names of several people who might authenticate the story, and McPhee passed on the sources to Sara Spencer, chief of *The New Yorker's* checking department. Spencer called Eugene P. Wigner, who had been involved peripherally in the Manhattan Project; she called Glenn Seaborg, a co-discoverer of plutonium; she called Army people and more physicists. They were puzzled, flattered and impressed, but none of them could recall the story. One of them remembered a brief power shutdown, but not the details of it. The last person she called said, "Why don't you try John Wheeler, he'd know."

At this point, having come full circle, most people would have stopped calling and fudged the story with a clear conscience, but other possibilities presented themselves. Spencer tracked down the ex-plant manager, sending two special delivery

Getting things right is a passion at *The New Yorker*, where the checking department tries to verify every fact in the magazine—even if it means a trans-Atlantic call to the Duke of Windsor to check a description of the flora around his country home or scouring a 20,000-page Pentagon report.

letters, one to his Pennsylvania home and one to his Florida home. He didn't remember, either. Finally Spencer found a man who had worked in the Hanford plant during the war, and what he said resulted in a very minor change. The original story had the balloon landing and shutting down the entire plant. In the authenticated version the balloon hit just one power line—the line that shut the power off in the building that housed the plutonium reactor.

Sara Spencer is one of seven "checkers," five women and two men, underpaid and overqualified, who sit in a bright, sunny room roughly 25 feet long by 20 feet wide, two-and-a-half walls of which are covered from floor to ceiling with books, on the nineteenth floor of *The New Yorker's* 43rd Street offices. They verify every fact that goes

into the magazine.* The room is equipped with a coffee pot and three air conditioners, and there is a sign on the door that says: "Please do not ring unless an answer is required." There is no bell.

The checkers, who range in age from 25 to 43, have among them six B.A.'s, one B.F.A., three M.A.'s, and one Ph.D.; a knowledge of French, Spanish, German, Russian, and Hebrew, and a smattering of Chinese, Japanese, Latin and Classical Greek. They share a passion for accuracy that would have been congenial to the late Harold Ross, founder and guiding spirit of the magazine, who, according to the late James Thurber, "regarded perfection as his personal property."

The New Yorker has always cared desperately about being right, although in its first days checking was somewhat more haphazard than it is now. The original checking library consisted of three books—an 1898 Baedeker for Paris and London, an equally out-of-date Spalding's Baseball Guide, and Webster's desk dictionary. (Webster's is still preferred.) When Hobart Weekes, now a senior editor whose special province is "The Talk of the Town" section, arrived at the magazine in 1928 (three years after its founding) to become half of the checking department, the other half, Mark Russell, handed him a galley with the name Vanderbilt underlined. "Here," said Russell, "Check that."

In those days, checking was considered a good way for a young man to break into the publishing life (until well after World War II the magazine was almost entirely male), and the checking department developed something of a collegiate atmosphere. As recently as the 'fifties, checkers would close the door on Friday afternoons

*Sara Spencer, 36, has been a checker at *The New Yorker* for eight years. Her six colleagues are Anne Mortimer-Maddox, 43, seven years; Patti Hagan, 30, almost four years; Helga Veblen, 29, almost three years; Katherine Black, 27, two-and-a-half years; Martin Baron, 37, six months; and Richard Sacks, 25, four months.

Judith Adler Hennessee is a freelance writer who lives in New York.

and perform costumed satiric operas for a selected group of invited guests. Their last performance took place on the day that William Shawn, Ross' successor as editor-in-chief, appeared uninvited and sat silently in the audience.

The department is more sedate now, members of the original cast having dispersed, taking with them their prankish outlook. Women arrived in the editorial department after the war when men were scarce and the magazine was desperate for literate people. "I would have hired a crocodile," said Hobart Weekes with a flash of the old esprit. None was available, and by the end of the 'sixties the checking department had become all female, except for the head checker, Phil Perl, and was known as "Phil's Harem." Recently, Bob Bingham, an editor of non-fiction pieces and a policy maker who is in charge of checking, noticed what was happening and started to hire men again. (Sexual integration is arriving quite slowly at *The New Yorker*. There are men on the switchboard and in Walden Pond, the typing pool run by Harriet Walden, where one of the male checkers, Richard Sacks, started his career; but there is only one woman editor, Rachel MacKenzie, and she has been there for a long time.)

A piece that is bought by the magazine is set in galleys immediately, and one set goes to the checking department where it is assigned according to who wants to do what. Sara Spencer, who checked McPhee's piece on Theodore Taylor, has a particular interest in science, but if there's a crunch, preferences are ignored. Crunches tend to come toward the end of the week. Long pieces have a three- to four-week lead time, but at the end of the week they have to be dropped to do the departments. "Musical Events," "The Race Track," "The Theatre" and the monthly "Letter from Washington" come in then, and each checker alternates working for four or five hours every seventh Sunday to check them, making the necessary phone calls on Monday morning. The magazine goes to press at 2 p.m. on Monday.

"We underline words and sentences that are facts and leave alone the ruminations of the author," explains Spencer. "We get the source from the author—the party invitation, a booklet from the Auto Show, the phone numbers of the people he talked to." Handing in one's source material is *de rigueur*, and writers also deliver tapes of interviews and folders of typed notes. John Brooks asked a checker to help him carry over to the office two cartons of source material for a "Talk of the Town" piece on economics; and McPhee gave the checker over thirty magazines and journals that he used in writing "Ruidoso," a story about quarter-horse racing that appeared last April.

When this material is delivered, it is up to the writer to speak out if any of it is likely to prove sticky. Anne Mortimer-Maddox, who checked "Annals of Industry: Casualties of the Workplace," a series of articles that started running in the issue of October 29, 1973, and that dealt with the ill effects of asbestos on the health of plant workers, was advised by the author, Paul Brodeur, that it would be difficult to get a straight answer from industry sources, and the piece had to be checked obliquely, through every imaginable reference to asbestos outside of industry.

Calvin Trillin, *The New Yorker's* peripatetic chronicler of American cities and towns, constantly deals with boosters whose ideas of accuracy are often skewed in the direction of wishful thinking. In checking his "U.S. Journal: Kansas City, Missouri" (April 8, 1974), the checker was told by a member of the Chamber of Commerce that the airport was fourteen miles from Crown Center, not

twenty as Trillin had said. Trillin, however, had taken the precaution of clocking it, and it stayed twenty. The mileage went in "on author," which is what usually happens when disputed facts can't be corroborated. "The writer has the final say," says Bingham. "The writer is always the one who has to be satisfied."

In practice, however, a lot of writers aren't around when their piece is being checked, and don't even sit down with their editor to go over the emendations. They are thus helpless to counter the excesses of fact hunting. In "Bakery," by Susan Sheehan (April 15, 1972), a "Talk of the Town" piece about the Peter Pan Bake Shop in Forest Hills, near a proposed housing development that residents were trying to prevent from being built, Sheehan noted that "the only clue to the customers' views on the project are red 'Impeach Lindsay' buttons that some of them wear." The buttons were definitely red. A checker called various button manufacturers but could only find one that made white "Impeach Lindsay" buttons, and the color was changed to white.

Having to go over material that is cold would seem to be an irksome task for a source, but, says Spencer, "we usually get cooperation. If people are reluctant, we say the story is written and they have a vested interest in getting it right." Theodore Taylor went over facts he had already discussed twice with McPhee; and the Duke of Windsor said he was enchanted that the magazine cared enough to verify Janet Flanner's description of the flora around his country house. The checker had tried the landscape gardener first, without success, and was told that it was all right to phone the Duke, provided it was the proper hour. Even the Pentagon, which one imagines to be riddled with terminal paranoia, has succumbed to the mystique of *The New Yorker*. Last July, when Bruce Bliven, a *New Yorker* writer, went down to interview an assistant to the Secretary of Defense on a story the military must have known would make it look bad, the Pentagon sprang to attention for him. "Take all the time you want," Bliven's escort, Lieutenant Colonel Audrey Thomas told him. "We don't want

you to feel hurried." The aide he interviewed cleared his entire afternoon schedule and was ready to talk indefinitely, even though Bliven only needed an hour. When he left, Bliven thanked the colonel and remarked that the story might not be a friendly one. "We don't care," she said. "We can't do anything about your attitude, but we're on the phone with your checking department all the time, and they're always so careful and polite."

Checkers spend about half the day on the phone; on occasion they send cables to far-flung correspondents, and in dire cases they go themselves. In November, 1968, Gwyneth Cravens, now with *Harper's* magazine, wrote a mood piece on Central Park in which she observed, "She waved at the boy and the boy raised his arm to wave back, but it was too late; the woman passed from his view as the carousel turned, and he was waving, instead, at the red-and-white striped brick wall of the carousel housing. . . ." The checker who went over to survey the scene discovered that the building was red and cream, and the color was changed. Wally White, who has since become a writer for *The New Yorker*, spent several days commuting by taxi from a Washington hotel to the late Rachel Carson's suburban Maryland home where the two of them went over "Silent Spring." "Silent Spring" appeared in *The New Yorker* in three parts, on June 16, 23, and 30, 1962, and at the time its thesis about the harmful effects of pesticides seemed to verge on science fiction. Before meeting with Carson, White spent several weeks talking to scientists about chemicals and the environment, to make sure that Carson's imagination hadn't been working overtime.

More recently, two checkers were dispatched to Washington to check Seymour Hersh's *Coverup*, a book that began as a "Reporter at Large" piece on the Army's inquiry into the Son My atrocities (My Khe 4 and My Lai), and that appeared in two parts, Jan. 22 and 29, 1972. The articles were based on a massive 20,000-plus page document, unofficially called the Peers Report, as well as about 500 other documents. The checkers checked into the Madison, one of Washington's

'The Shortest History of John Simon, Poet'

When movie and drama critic John Simon was at Harvard in the 'forties, he sent a piece of light verse to *The New Yorker*. Entitled "The Shorter Social History of the Condor," it dealt with the condor in Europe. (The condor, whose role in European history is negligible, if not non-existent, is an inhabitant of the New World.) In rhymed couplets Simon traced the influence of this venerable vulture through the agora of Ancient Greece and the atrea of Ancient Rome, through medieval castle keeps and the Court of Charlemagne; he had people walking their condors on leashes and doing other irresponsible things that no sane condor would have stood still for. A long letter came from Katharine Angell White (one of the early literary editors of the magazine, some of whose descendants still work there), two pages, single-spaced, essentially a rave review of the poem, hailing the coming of a new light-verse poet. However, wrote White, there were a few changes to be made. One of her suggestions was to revise the title from "A Shorter" to "A Short," since there was no other history of the condor. And to make things easier for the checking department, she asked Simon for the exact factual references he had used. Relations began to deteriorate immediately. Simon contemplated further inventions—why not give the library at the University of Salamanca as a



John Simon verifying poem with source.

source?—but decided against such a puerile joke and wrote back explaining that the whole point of the poem was that it was preposterous. A second, less long letter came back from Katharine White. It was "not cricket" to readers to fool them like this, she said. The editorial department had had a long meeting to discuss ways in which the poem might be salvaged, and had come up with several ideas. One possibility was a disclaimer; another, to make changes in the text so that it read, "It is said that at the Court of Charlemagne," to take the curse off lying. Simon demurred. "I could just see what they would have done to Dante if he had submitted a portion of the *Inferno*," says Simon.

—J.A.H.

better hotels, and spent five weeks there, dissecting Hersh's piece. Working from the documents, they found every quote Hersh had used and read two pages in front of it and two pages behind it for context, uncovering dozens of mistakes along the way—misquotes, misstatements of fact, and nuances that were shaded the wrong way. Hersh, who has nothing but praise for the checking department, almost went crazy during the process, and sent a note to the checkers apologizing for his wild behavior.

Even more debilitating—and perhaps the ultimate in exhaustiveness—was the going-over given to Hannah Arendt's "Eichmann in Jerusalem" (published in book form as *The Banality of Evil*), a five-part piece that ran in February and March of 1963. The checker, Bill Honan, who now edits *The New York Times* Sunday Arts and Leisure section, knew German, and spent four months holed up in the Yivo Institute for Jewish Research, a quiet little library on the Upper East Side where the phone never rang, poring over the set of captured German war documents it possessed. There are bound to be contradictions in government records, and Honan managed to find many of them. On one sentence of Arendt's he found and wrote one page of conflicting evidence. Arendt, a careful scholar, a native German, and an eyewitness to the trial, was shocked and dismayed when her story came back looking as if someone had written a dissertation on it in the margins, and refused to go along with some of the emendations. Some fairly heavy collisions followed, with *The New Yorker* coming out ahead on most of them, but there was one figure that Arendt absolutely refused to change, and, tired of fighting, Shawn and Honan gave in.

The Arendt experience was unusual. Far from finding checking an adversary process, most writers welcome it, either as an antidote to their own laziness and carelessness or as a rescue operation for their overenthusiasms, their tendency to prefer style to substance. "I can't imagine anyone not being glad about it," says Calvin Trillin. "It's an extra thing. It's a great comfort to writers. I'm happy to be caught." Being caught is especially felicitous when the possibility of a lawsuit looms, as it did when Trillin accidentally reversed the names of two Augusta, Georgia, newspapers whose editorial policies were violently opposed to each other.

One of the magazine's more prolific contributors, Trillin produces a piece every three weeks, and is occasionally let down by the checkers. In the Kansas City piece Trillin wrote last April, he dredged up from the back of his brain playwright John Osborne's comment, "The monarchy is a gold filling in a mouthful of decay," thinking there would be no trouble in locating it; but no one could find it, not even *New Yorker* movie critic Penelope Gilliatt, who was once married to Osborne. So Trillin dropped him and attributed the quote to "one of the Queen's angrier subjects." Whenever there is an unattributed quote in *The New Yorker* it is safe to assume that the source was too elusive for the checkers.

Sometimes the achievement of total accuracy is foiled by the source, who has a bad memory or is careless. John McPhee, one of the more fact-conscious writers, was tripped up by Theodore Taylor. Taylor said he used to make urotropine (a urinary antiseptic) with his chemistry set when he was a boy, but from his description of the chemical reaction the product couldn't have been urotropine. He meant urethane, which was used at the time as a hypnotic. A pharmacist wrote in to correct it. In "Firewood" (March 25, 1974), a piece about using firewood during the energy crisis, McPhee described a man and his son going into the woods carrying "an axe and wedges, a fifty-pound



mallet, and a manual saw." Again, no one questioned the feasibility of someone wandering through the forest loaded down with a 50-pound mallet, and again a lynx-eyed reader caught it. Embarrassed, McPhee phoned the woodsman, who offered to weigh the mallet. It weighed 25 pounds. "It was inaccurate but at least I didn't say fifty and mean five," says McPhee, comforting himself.

There is a lot of free-floating reticence around *The New Yorker*, especially when it comes to discussing writers and their idiosyncrasies. However, most people cautiously agree that Trillin, McPhee, Brendan Gill, John Bainbridge, and Geoffrey Hellman rarely cause tremors in the checking department. Mollie Panter-Downes, Janet Flanner, and Andy Logan (among others) also avoid the great temptation to sloppy research, and Pauline Kael is almost never wrong. Calvin Tomkins, who has been with the magazine for about twenty years, is not always right. "I make a lot of mistakes," he said. "I'm very dependent on the checkers." Four years ago Tomkins did a book on the Metropolitan Museum, *Merchants and Masterpieces*. He was assigned a researcher who knew about art history and who also checked the manuscript for him. She turned up very few errors, when, in fact, says Tomkins, "there were a lot of grievous mistakes in the book. It wouldn't have happened at *The New Yorker*."

The real checking disasters, those that necessitate rewriting a piece, are buried in old galleys and in the memories of checkers who steadfastly refuse to discuss them. However, other people at *The New Yorker*, all of whom preferred to remain anonymous, say the two worst checking problems are Joseph Wechsberg and Edward Jay Epstein. Not only does Wechsberg misquote passages from the *Larousse Gastronomique*, but he neglects to send in his source material. Since he frequently writes from the middle of Europe, this is a serious deficiency. On one occasion, Mme. Fernande Point, proprietor of the famous restaurant Pyramide, near Vienne, France, spent an unexpected half-hour on the phone with a *New Yorker* checker correcting menus and recipes for a Wechsberg article. A gracious and appreciative



Ed Koren

man, Wechsberg makes a point of stopping by to thank the checkers whenever he's in New York. Epstein, a press critic, has run into terrible squalls in the checking department, most notably with an article on the way the media reported the killing of Black Panthers by police (Feb. 13, 1971) and with an excerpt (March 3, 1973) from his book on network newsgathering, *News From Nowhere* (MORE)—May, 1973.

If *The New Yorker* sometimes seems to take on overtones of omniscience, it is because none of these deviations sees the light of day. Insignificant misdemeanors, such as overweight mallets, rest in the oblivion they deserve; but every so often something comes along that is too heinous to ignore and must be acknowledged in some way. The most famous retraction, and the most elegant, was delivered about fifteen years ago by Winthrop Sargeant, then the music critic, after reviewing a performance of Tchaikovsky's Fourth Symphony, which he compared with his remembrance of a Toscanini recording of the same symphony. Swann's record catalogue didn't list the Toscanini, but Sargeant was sure he'd heard it and it went through, with misgivings, "on author." Sargeant was wrong, and an outpouring of letters from indignant music lovers obliged him to respond. There is no such recording, he admitted grandly, but if there had been, it would have sounded exactly the way he described it.

Fiction, poetry, artwork, captions, and brand names do not escape the scrutiny of the checking department, nor do the plots of novels that are being reviewed. (On a smaller scale, there is another checking process for ads, conducted by the advertising department. They are gone over for grammar and for double entendres, which are not acceptable, either in the copy or the illustration. Inquiries are made about quality, mainly through the stores that sell the product, it being assumed that *New Yorker* readers don't shop in discount houses, and ads for low-quality products are turned down. Superlatives are queried, but there is no hard-and-fast rule.) In cartoons, checkers notice such minutiae as which side men's and women's coats are buttoned on, and the number of tiers on the Capitol Building. In fiction, unique names

(continued on page 18)

'A Roller Coaster To Hell'

BY ANN MARIE CUNNINGHAM

OBSCENE? asked the red headline in *Ms.* October issue last year. In a column below on the recent Supreme Court decisions on pornography, *Ms.* co-founder Gloria Steinem warned feminists against welcoming curbs on smut and assuming that "the enemy of my enemy is my friend." She prophesied that the rulings would "encourage local law enforcement officials . . . to harass publications which the Supreme Court probably never meant to include in their definition of obscenity." OBSCENE? astonished *Ms.* editors asked again in June, when Steinem's words came true about her own publication. Like Justice Potter Stewart, some parents in Bennington, Vermont, felt they knew pornography when they saw it and they saw it in that same October issue of *Ms.*, and later in this year's May and June numbers as well.

On April 8, at the close of the regular meeting of the Mt. Anthony Union High School board in Bennington, Mrs. Nicolle Woodward told the board that *Go Ask Alice*, which her 12-year-old daughter had taken out of the junior high school library, was "very dirty, a filthy book. This one's going in my fireplace." Ironically, Bennington students were probably already familiar with *Go Ask Alice*, the diary of a middle-class 15-year-old girl who gets involved with drugs and eventually commits suicide. It had been the basis for a nationally-televised ABC "Wednesday Movie of the Week." The book uses four-letter words and mentions sexual acts, without embroidery and hardly in pornographic detail.

Nervous about the Supreme Court decision, John Murray, assistant superintendent of schools, and David Wohlsen, in his first job as a senior high school librarian, had been working on a controversial-book policy. Their work was speeded up by Woodward's outrage, and after some shouting and haggling in the curriculum committee, the board adopted what seemed to it like a sensible review policy. Concerned citizens had to present complaints in writing. A committee of the superintendent of schools, the school principal and the librarian would review the material and submit its report to the board, which would consider it at the next meeting. Until the board decided its fate,

Ann Marie Cunningham is a New York writer and editor who often reports on education and feminism.

Visions of 'affairs-animal,' 'self-masturbation' and something called 'hunger-thumps' brought the peaceful town of Bennington, Vt., to a boil over whether Mt. Anthony Union High School's copy of *Ms.* magazine should remain on the library shelf.

controversial material was to remain available on the shelf.

On May 15, Clarence Pelkie, the principal of Mt. Anthony, filed a complaint against an excerpt of a novel in the October issue of *Ms.* Why, as someone asked at a board meeting later, had this issue been "brought from the back room to start this controversy? If you have a disease lying in cold storage, you don't bring it out so other people can catch it."

Apparently, a library aide had complained to David Wohlsen about the issue in October, but Wohlsen, not finding anything he considered obscene, put the magazine back in circulation. The aide, who reportedly held more than one grudge against Wohlsen, sent copies of the offending excerpt, a chapter from Erica Jong's *Fear of Flying*, to Colonel Raymond Murray, school board chairman, and to Lawrence Harrington, chairman of the board's curriculum committee. As Pelkie tells it in his complaint, Harrington asked him to read the excerpt. Out of his own concern and a desire to test the book policy, which he considered "dangerous," Pelkie decided to complain as an ordinary parent and citizen. However, he signed his letter "Principal," which he later said had been a "mistake."

Meanwhile, copies of the Jong article, a rather windy passage in which the heroine, a graduate student, tries to deal with her insane husband, got around the countryside faster than the Green Mountain Boys. Someone had heavily circled passages containing four-letter words and sex acts—as well as, inexplicably, a sentence in which the heroine refers to something called her "hunger-thump." Pelkie had felt some students could become "very much aroused by the acts of sodomy, literary descriptions of the acts of self-masturbation [sic] and descriptions of sexual intercourse." Nowhere in the chapter is sodomy mentioned; *Ms.* editor Joanne Edgar thought Pelkie must have been referring to oral sex.

When the board met on June 4 to decide whether it agreed with Pelkie, some 500 people turned out—among them parents pro and con, three *Ms.* editors up from New York, various members of the Vermont American Civil Liberties Union, the president and vice president of Bennington College, librarians from the state associations and, for the Talmudic viewpoint, novelist Bernard Malamud. A handful of students also showed up, one of whom asked why, if the complaint's purpose had been to shield minors from porn, had everyone in the high school seen a copy, and why was a big pile of Xeroxes available at the meeting.

The review committee reported that the superintendent and the female assistant principal, substituting for Pelkie, both voted to cancel the library's subscription, while the librarian, who had ordered *Ms.* because of student requests, still wanted it. The student senate and the teachers' association had both issued statements of confidence in Wohlsen and his judgment. Aside from a few non-sequitur speeches ("Right and wrong does exist, and we should recognize it"), public debate centered on the issue of censorship. Someone brought up the expletives deleted from the White House transcripts, and two people who wanted to put the circled passages of Jong prose in context, reminded the audience that the husband "thinks he is Jesus Christ"—surely a novel defense of four-letter words and sex scenes.

Of the board members' speeches, Colonel Murray's was most memorable. He said the use of words should be elevated to a lofty plane—"far loftier than this article." He associated work like

Cathy Hull



"For God's sake, let us freely hear both sides."

That was Thomas Jefferson speaking. But it was just that sort of free and open exchange of ideas and opinions we had in mind when we decided to sponsor the National Town Meeting—a public forum in Washington, D.C., at which area residents and visitors to the nation's capital can hear and question their chosen leaders.

When Jefferson first became President, this was a small country of small towns. No great metropolises. No union of states sprawling the breadth of the continent. There were fewer than five and a half million people in the entire country.

Today, we have three metropolitan areas—and nine states—with more people than that. It's sometimes hard to "...freely hear both sides" in a nation with so many voices.

In the formative years of our country, Americans exchanged ideas, opinions, even expletives, at the town meeting. Sometimes, that fellow they sent to the House or Senate would be there and his outspoken constituents would hear his side—or nail his hide.

At Mobil Oil Corporation, we feel that kind of personal contact should still be an important part of the American scene—no matter how big our

nation and our government have grown. Except for small towns, however, such communication has virtually disappeared.

So, to help people who care about good government keep in touch with the people who mind the government store, we're sponsoring a summer-long series of town meetings. It's a small effort to foster greater discussion on the vital issues confronting us today.

Some of your senators and representatives are taking time to participate. A score of public officials and experts have accepted our invitations to present their views on a variety of topics ranging from defense spending to congressional reform. And we're inviting anyone who wants to listen and question them.

At each National Town Meeting, two principal speakers will have their say on a particular issue. After that, they will be questioned by members of the press. Then it's your turn.

The meetings will be held on Wednesday mornings through September at the John F. Kennedy Center for the Performing Arts/Eisenhower Theater. Admission is free.

If you're in Washington, let them hear *your* side. Take in a town meeting.

It's a capital idea.

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At left, school board chairman Col. Raymond Murray points to the door as he orders policemen to remove a speaker from meeting debating whether the magazine should remain on the shelf at the library of Mt. Anthony Union High School in Bennington, Vt.; two others who want the *Ms.* subscription canceled are Nicole Woodward, immediately below, and Joanne Dunham, shown reading "objectionable" excerpts from the magazine; caught in the middle is librarian David Wohlsen.

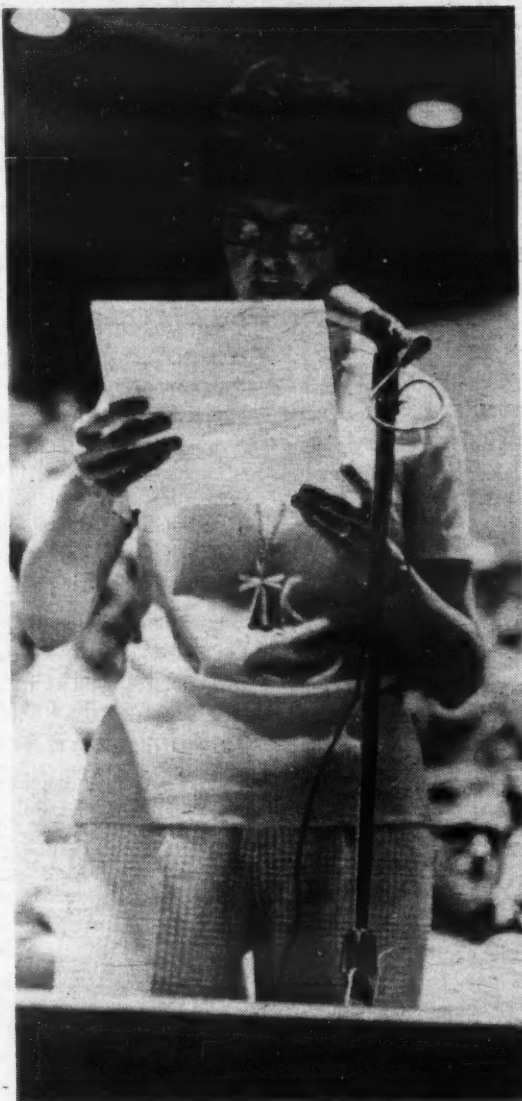
The Bennington Banner



Jong's with decline—"a roller coaster to hell"—and wondered what Robert Frost and Walt Disney would think. Only one member of the board, who had said at a curriculum committee meeting that he would rather his daughter read the article at 15 than live it at 20, expressed any enthusiasm for the Jong piece. Nevertheless, the board voted 8-3 to keep *Ms.*, and also rejected, without a formal vote, a proposal to give four library aides, along with the assistant and the head librarian, equal say in screening fiction before it went on the shelf. According to one Bennington father, this was a wise move, since the equal-say policy clearly "would have cut the balls off the librarian."

Everyone on Wohlsen's side felt cleansed, purged; it had been a good day for democracy. Back in New York, the three *Ms.* editors described their Bennington experience as "moving," although they were disappointed that the *Bennington Banner* captioned them "The ladies from *Ms.*" and did not quote the statement Joanne Edgar read before the board. (UPI coverage and CBS Morning News' description of "the second battle of Bennington" also left it out.) Seemingly gifted with prescience, *Ms.* had devoted its June issue to high school women, who constitute about 10 per cent of its readership. In Bennington, Joanne Edgar had quoted a letter from a student who said she could not afford a subscription, but borrowed *Ms.* from the library. The June cover offered an Ivory soap-skinned teenager with braces on her teeth. But in Bennington, the book was not judged by its cover.

On June 10, Mrs. Joanne Dunham, whose oldest child will not enter the senior high school until next year, bought two more complaints about *Ms.* to the Mt. Anthony Union board. At the June 4 meeting—by now generally remembered as the "CBS meeting" because the network was on hand—she had expressed the feeling that things were in poor shape if you couldn't say an "Our Father" in the public schools, but could find things like the Jong article in the library. "I have a moral obligation to bring up my children properly. If I can't get help from my school system, this country



needs help." To dramatize that "not just the October issue, but the magazine itself" is objectionable, Dunham read aloud, in appealing tones, fragments of articles she felt were a "glorification of sordid and perverted sex."

In the May *Ms.*, she objected to a favorable review of a book of radical feminist theory by Ti-

Grace Atkinson, and to an article about Jean and Lolly Hirsch, a mother-daughter team that lectures on and demonstrates gynecological self-examination. Of the Hirsches, Dunham said: "Because I find this distasteful reading for youth, you may think I've got a sex hang-up. But my husband doesn't, and that's what's important to me . . . I have never had the desire to see my mother's vagina." Cheers and applause greeted her stand. (Another mother, a *Ms.* subscriber, told me she was irritated by this article for another reason: it does not mention that the Hirsches also favor menstrual extraction, a method of do-it-yourself abortion. No one knows how safe or effective it is.)

In the June issue, Dunham complained about reviews of books which she said "promoted lesbianism and sex," and about two plays billed as "situation comedies." In the first play, a wife asks her husband if he's ever cheated on her; in the second, a husband asks. In both, the two play games with each other and ultimately with the audience. According to her complaint form, Dunham objected to the first play because the subject was "affairs-animals." (See page 10.) She reminded the board that "over 62 per cent of students in the high school are 15 or under," and accused members of copping out by voting against censorship even though they personally found the Jong article in "pretty poor taste. The students say

we hear these words every day and they are written on the walls of the rest room. I still say we do not have to condone them, and since when do we compare our high school library with rest rooms?"

Dunham's ringing words fell on about 125 sets of ears, including a prayer group from one of the two Catholic parishes in Bennington. This group said later that it would feel compelled to give a passel of religious books to the high school if *Ms.* remained. Colonel Murray, who had reportedly complained that the first meeting had been packed with faces he'd never seen, allowed that the second gathering represented the "true Bennington people." The presence of CBS had evidently had a chastening effect on him, for he held the reins much tighter this time and would not allow students to speak, even though one board member wanted to allot his time to them. Speeches from the audience were much more hostile and baroque. If the high school library kept *Ms.*, two parents said, they would move to Albany or Hoosick Falls. Someone suggested that they would find *Ms.* there ahead of them; if so, they countered, why didn't the magazine's supporters move to more congenial school districts? One man facetiously offered to rent, as supplementary material for the high school, some X-rated films on homosexuality. The director of the Bennington Tutorial Center said 55 per cent of the people in Bennington County had never graduated from high school; "they don't read *Ms.* and they don't read anything else." She argued that indifferent parents damaged children, not reading material.

The review committee voted against *Ms.* as it had before, with librarian Wohlsen casting the lone dissenting vote. He pointed out that students did not seem to be offended by the subject matter, "while we—and I include myself—are uncomfortable." However, when the school board voted, *Ms.* won again—but clearly Dunham had reddened the board's ears. This time the vote was 6 to 5, not 8 to 3. The board then agreed to scrutinize *Ms.*'s July and August issues, and to decide at their August meeting whether to renew the library subscription, which expires in September.

As at the CBS meeting, the audience speeches had portrayed *Ms.* as the rope in a tug of war between two camps of educational philosophy. One board member's speech, however, dropped a clue that, besides censorship and some parents' genuine dismay over their children's reading, there was a political stake involved. Voting to keep *Ms.*, Dr. Oakley Frost said there was an attempt being made to intimidate the board which reminded him of Nazi Germany (at this point, Colonel Murray cut in with "Please stick to the issue"). Frost went on to say that the issue was timed to coincide with school board elections on June 25 and 26.

Two incumbents were running for re-election. One, Clyde Burgess, is valued for his expertise as a construction company owner. (According to Pelkie, he has donated \$25,000 worth of work on the track and field to the high school.) A pleasant man of few words, Burgess initially voted to keep *Ms.*, but although he says he is against censorship, he reversed his vote on June 10 because he agreed with Dunham that the new material was unsuitable for high school students. No one thought Burgess faced much of a contest. On the other hand, Robert McWaters, who voted twice for *Ms.*, faced a conservative opponent who had announced that she would have voted the other way. Frost said—and other board members later agreed—that *Ms.* had become a red herring, an attempt to discredit McWaters by forcing him to take an unpopular stand in public.

At the second meeting, the board decided to

write and tell *Ms.* that it "has been the center of a whirling controversy in Bennington... a disruptive influence." David Wohlsen found this worth a chuckle. "This community was illegally established in 1750, and polarization and controversy have been the name of the game ever since."

Beyond Vermont, this quiet town of 8,000, whose parameters dribble off quickly into fields and hills, has been associated for more than 40 years with Bennington College, an experimental hive devoted to dance, dramatics, and exorbitant tuition. But the college has always been a separate entity; if it folded tomorrow, Bennington would hardly disappear from the map. "This is a mill town," said a high school student, "though many people would object to my saying that." There is some inherited wealth and a small professional class, but in the bulk of families, the man works as



'He's Changed My Life'

Among the contents of the June issue of *Ms.* is a play, *Nothing Personal*, by Edward Pomerantz. It proved entirely too much for Joanne Dunham, a mother and fierce opponent of the idea that *Ms.* belongs on the library shelf of Mt. Anthony Union High School in Bennington, Vt. At a second meeting on the matter June 10, her sense of outrage compelled her to read aloud to the school board a passage from the play in which a husband persuades his wife he was irresistibly attracted to "this dog I had never seen before—with the wettest tongue..." This isolated fragment imparted no sense of the play as the put-on it was. But the phrase was enough to convince Bennington rumormongers that *Ms.* was publishing explicit directions telling women how to achieve sexual gratification with dogs. At one point, a reporter for the *Bennington Banner* called a *Ms.* editor in New York and asked if, indeed, the magazine was publishing such bestial advice. Dunham's dramatic performance was not the only one on the subject at the June 10 meeting, either. Another mother said she had made a fact-finding trip to the high school library. She had found "not one book on berry-growing, but there is *Ms.* I say my rights have been violated." She also had been unable to find any information on obedience and field training for dogs. "But, then, *Dog World* isn't quite as juicy as *Ms.*; it doesn't explain how to have affairs with your animals."

—A.M.C.

a craftsman or tradesman, while the woman is employed in a factory, making women's undergarments or batteries. They own their own home and have three or four children. About half the population is Catholic, often from conservative French Canadian stock.

The battle over *Ms.* is only the latest in a long series of political power plays in the town and the magazine most likely became an issue because liberal forces in Bennington have galvanized in recent months. "Primitive" is not a word one would apply to Bennington's green and placid surface, unless one were speaking of the paintings in the local Grandma Moses museum, or recalling H.P. Lovecraft's uneasiness about "the domed hills and the trees that grow too close together" in southern Vermont. The liberals, however, use "primitive" frequently: their opponents have "primitive cunning," "a primitive understanding" of what education is and what a professional librarian does. The liberals also intimate that there are plenty of whited sepulchres around, and that those shouting loudest for censorship are "the ones with the most filth in their lives."

Unlike the liberals, the conservatives weren't talking much. Clarence Pelkie, the principal who started it all, did show me a manila envelope full of prayers of support he'd been sent from Black Mountain, N.C. And he also volunteered, in an unguarded moment, that he'd been given *The Happy Hooker* by a friend. "Every now and again I think, 'Should I be reading this when I'm in the middle of this business?'" Do as I say, not as I do? "Yeah," said Pelkie, cheerfully.

The end of June brought three developments:

- On the 24th, the local radio station, WBTN, announced that Marion Cummings, a former school board member, had given the high school library a gift subscription to *Ms.*, which would begin when its current subscription runs out in September. In a letter to Gloria Steinem, Cummings said the purpose of her gift was to prevent the board from using the waste of nine tax dollars as an excuse for non-renewal. If the board refuses the gift, Cummings may bring a First and Fourteenth Amendment suit on behalf of her 12-year-old daughter. Asked for his opinion by WBTN, Colonel Murray said, "No comment, no comment, no comment."

- At the regular school board meeting that night, David Wohlsen presented a letter saying that he would not renew the *Ms.* subscription. Colonel Murray refused to accept Wohlsen's letter, or to discuss Cummings' gift, because the board had agreed to table the topic of *Ms.* until the August meeting.

- On June 25 and 26, both Burgess and McWaters were re-elected, leaving *Ms.* with its 6-5 edge if all positions hold.

By August, Vermont will have, in addition to black flies, a new section of its obscenity law, an exemption for libraries, museums and public high schools. By August, the board will have to decide whether it can look a gift subscription in the mouth—although Wohlsen may turn it down himself. Despite Marion Cummings' hopes for a local John Sirica, the ACLU is queasy about making a case in court over a rejected gift subscription. *Ms.* does not have a constitutional right to be on the Mt. Anthony shelf.

Ms., of course, hopes the subscription will continue, one way or the other. If not, however, the magazine is hardly a loser. At the newsstand on Bennington's Main Street, the *Ms.* July stack had shrunk far more rapidly than *McCall's* or *Red-book*.

Countering the Oil Slick

BY FRANCES CERRA

Public opinion polls taken during the energy crisis last winter showed that most people suspected the oil companies, aided by the government, had deliberately allowed the fuel crunch to occur. Indeed, even a study done for the Exxon Corp. found that the firm's who-us? advertising "had no appreciable impact upon public attitudes on the subjects covered." One key reason for all this disbelief, of course, was the amount of publicity that anti-oil forces got on the air and in the news columns.

But the gas lines are gone now, and the energy crisis is no longer news. The oil companies, however, continue to pour millions into their advertising campaign. Thus, in the post-embargo period when Congress and the Administration are grappling with the most basic questions about energy policy in the U.S., the energy lobby has virtually a clear shot at trying to influence the public's attitude on these vital decisions.

Last January, six congressmen and a public interest law firm petitioned the Federal Trade Commission to require substantiation of the current spate of image and institutional advertisements sponsored by oil companies, utilities and electric appliance firms. Since 1971, the FTC has been requiring one group of manufacturers after another to put on the public record all of the research behind their ad campaigns. In filing the petition, Reps. Ben Rosenthal (D.-N.Y.) and Les Aspin (D.-Wisc.) charged several firms with engaging in a propaganda blitz that misrepresented their roles in creating the energy crisis. Sixteen specific ads from 12 different companies—among them Exxon, Mobil, Amoco, General Electric and Pacific Power and Light—were cited.

One Amoco ad that ran in *The New York Times* in May, 1973, was named because it said that the company is "doing all we can to get as much gasoline to you as possible," such as producing 15 per cent more gasoline in the previous two years. The petition pointed out that Amoco had not built a new refinery in five years, and that no new ones would be completed before 1975. A Mobil television commercial was cited that told about the life-cycle of an oil field. "It takes man only twenty to thirty years to use it [an oil field] up," said the pitch. "That's one of the reasons why there's a worldwide shortage of crude oil today." As Sen. Thomas McIntyre (R.-N.H.) pointed out in a letter to FTC chairman Lewis Engman last November, the commercial ignores the fact that proven world reserves of crude oil will last 100 years at current consumption rates. There is also the Mobil television commercial, not cited in the petition, that ran as recently as April on the riskiness of drilling for oil. The commercial allows that only one-in-sixty wells "actually pays off." Under my questioning, Mobil public relations manager Ray D'Argenio admitted that this statistic refers only to "wildcat" wells, wells drilled where oil has never been found before. Mobil—and all the other large oil companies—actually do very little wildcat drilling, and Mobil's success rate in drilling was better than eight-in-ten in 1973.

The petitioners asked that the FTC start dissecting these and other advertisements like them to get at the truth. For its part, Mobil has countered with an argument that so far has kept the agency from acting. The oil company maintains that image ads are different from ads that sell actual products like cars or shavers and that the

Frances Cerra covers consumer news for Newsday, the Long Island daily.

Once the gas lines abated last spring, the energy crisis all but disappeared. But the oil companies are still busily propagandizing, and almost no one in the media is challenging the messages in their well-heeled advertising blitz.



Ner Beck

First Amendment right of free speech protects the ads from government interference. Mobil pointed out in its brief to the FTC opposing the substantiation petition that the Supreme Court found in a 1963 decision that the protection of the First Amendment does not depend on "the truth, popularity or social utility of the ideas and beliefs which are offered." The legal history of false advertising cases shows clearly that interference with this First Amendment protection has been allowed because trade and commerce are involved, products are being sold, competitors and consumers hurt, by the false statements. Mobil rests its case, however, on the rather endearing premise that it's not selling a product, only an idea. The petitioners reject this notion, arguing that the ads hardly deserve protection under the First Amendment because they are quite clearly designed to attract customers, investors or employees to the sponsoring company in subtle and not-so-subtle ways.

The petition does acknowledge that First Amendment problems exist with corporate ads and offers a remedy. A company sponsoring a controversial ad that it does not want to substantiate would have to state in the copy: "This is a political advertisement intended to present this business' view on a controversial issue of public importance." Mobil's Ray D'Argenio said his

company would not be opposed to including this statement in its ads. But the company is adamant on the substantiation question, so much so that it even refused to offer substantiation to the National Advertising Division (NAD) of the National Advertising Review Board, an industry policing body, after Senator McIntyre had complained to the NAD about the Mobil ad that claimed a worldwide shortage of crude oil.

The FTC has not yet formally responded to the petition, but in February chairman Engman said in a speech dealing with image advertising that he "would give the benefit of the doubt to an advertiser's rights—indeed, to every citizen's rights—under the First Amendment." Insiders at the agency report that it will not try to require the kind of substantiation the petitioners seek. With its limited resources and vulnerability to political pressure, the FTC has little will for a fight that might make allies of civil libertarians and the oil companies.

In March, Representative Rosenthal and 15 other congressmen also moved on the media. They wrote to the networks and the 7,000 other broadcast stations in the country and asked them to provide free time for commercials countering the oil companies' energy crisis blitz. According to the Public Media Center in California, which prepared a series of counter-commercials, more than 1,000

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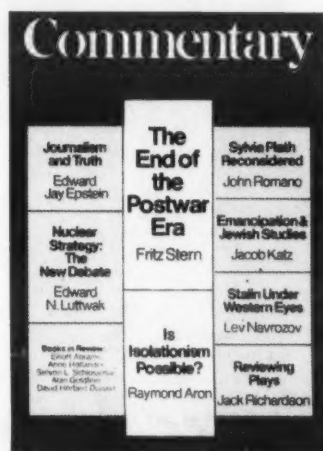
For instance:

- that "liberated marriages" produce children who show psychological signs of aging before they are out of their teens—
- that quotas which seek to redress past injustices end up by imposing new injustice—
- that there was more freedom in pre-1917 Russia than there is in today's USSR—
- that journalists, no matter how much investigative reporting they do, can rarely if ever arrive at the truth on any issue—
- that Watergate illustrates the need for less rather than more ideology in politics—
- that eyewitness accounts of China tell us less about the Chinese than they do about certain notions of American society—

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stations have run them. Not the networks, however. In letters to Rosenthal, all three said it is their policy not to accept controversial commercials.

Now, if you're a TV watcher of any kind, you must be thinking that you've been tuned in to the wrong networks. For months, for example, the NBC Weekend News was interrupted by Exxon ads that certainly seemed controversial to me. Like the one where you saw a drilling platform in the Gulf of Mexico. A diver jumped off the platform into the water; the camera followed; low and behold, there were huge numbers of fish living below. The diver didn't say it, but the clear implication was that off-shore drilling really isn't harmful to the environment.

And yet, the networks really weren't lying to Rosenthal. Illogical as it may sound, they *do* follow a policy of not accepting controversial copy, and, in fact, have censored completely or edited many oil company commercials. That, however, is no comfort to the public interest groups, which believe that a lot of what did get aired was controversial. Consider how truly surreal it is for the networks—at the very same time—to have Mobil mad at them for censoring its commercials, and to have public interest advocates furious because they can't have equal time.

Mobil has taken advantage of all this absurdity and deftly turned it into a truly clever public relations campaign. Mobil designed a commercial which took no position on off-shore drilling but simply asked the public for its views on the question. "NBC said there was absolutely no problem, but ABC said the issue of drilling in itself was controversial, even though we didn't express any opinion," says D'Argenio. "CBS said they had a policy limiting commercials to selling goods and services. There have been exchanges of letters, lunches by our top management with their top managements, we've made all kinds of offers (including that of paying for counter-commercials)—they say they can't cooperate." Having deliberately designed the commercial to demonstrate the Catch-22 quality of the networks' policies, Mobil then capitalized on the rejection by CBS and ABC with a print ad campaign (including a full page in [MORE] last month) depicting the company as the underdog in the battle for access.

To understand the network position, you have to remember that after anti-smoking commercials were forced on the networks in the 'sixties, the Federal Communications Commission began to broaden its interpretation of what was controversial. The networks began to be haunted by the prospect of having to give away more and more commercial time. Then, in June, 1973, the Supreme Court ruled in a case involving CBS and the Democratic National Committee that the network had the right to refuse to accept a commercial. The court argued that since the FCC required the network to behave responsibly the network had to have the discretion to refuse to air a commercial. At that, a wall went up at all three networks. Rather than to behave responsibly, and to be selective in airing controversial messages and counters, all three decided flatly that they would not run any controversial commercials. The catch for public interest groups and Mobil, as it turned out, was that the networks' definitions of controversy did not come out of the dictionary.

"Our definition of controversy is what the FCC has used in this area... it has legal meaning, it is a term of art," says Jay Gerber, an attorney with NBC who has played an active role in commercial acceptance. "Something may be controversial to you and not to the FCC. We try to anticipate the FCC process." Gerber explained

This oil executive will go to bed hungry tonight.



Dana Church

His COMPANY earned almost two billion dollars in profits* last year, but that's not enough for him. Because he knows the world is running out of fossil fuels, and unless he can move in and monopolize a new power source, in the same way he's monopolized oil, he's going to be out of a job before very long.

That's why he says his company's astronomical profits aren't excessive—because he needs those profits to maintain his power. That's why he's asking for huge new hand-outs and tax incentives from the taxpayers—because he wants the government to pay the bills, and his company to reap the benefits.

If he doesn't get what he wants, he may not be able to go on collecting his \$300,000 a year salary. He may not be able to go on manipulating the world energy market to the benefit of his stockholders and to the detriment of everyone else. He may be forced to give way to a system where the public controls the public resources for the public good.

If you think America's energy supply is too important to be left to a few huge multinational conglomerates, write your elected representatives and tell them that. The oil industry is making its voice heard in Washington. Isn't it time the shivering majority was heard from?

After-tax oil profits—1973 (millions of dollars)

	First nine months of 1973	Increase over 1972
Exxon	1,656	59.4%
Mobil	571	38.3%
Texaco	839	34.9%
Gulf	570	60.1%
Standard Calif.	560	39.7%
Standard Indiana	390	32.2%
Shell	253	40.6%
Continental	153	23.4%
Atlantic-Richfield	178	36.9%
Total all nine	5,170	45.2%
All oil companies	52,500	30.3%

Prepared by Public Interest Communications

ENERGY SHOULD BE EVERYBODY'S BUSINESS

Two advertisements designed to counter oil company pitches and distributed by the Public Media Center, a San Francisco group that also developed oil counter-commercials used on more than 1,000 local radio and television stations but rejected by the networks as "controversial."

that NBC had found the Mobil off-shore drilling ad acceptable because the copy did not take a position on the question. He did not dispute that off-shore drilling itself is a controversial subject. The Exxon off-shore drilling commercial was acceptable for the same reason. If the viewer took that commercial to be implying a position, well, that was not NBC's fault.

How do network officials justify their policy of not accepting controversial ads in the first place? "Ads tend to be in 30-second spots, and because of that time limitation the subject tends to get treated in the most rhetorical, emotional way," says Gerber. "We feel there are better ways to inform the public. We try to get a subject discussed in all its ramifications on the news shows." Harvey Shulman, an attorney with the Media Access Project in Washington, has an answer for that argument. "Cronkite often deals with a complex world even in 15 seconds on his news show," he says. "Besides, the main purpose of a spot ad is to raise consciousness, to make the public want to see additional facts." There would be nothing to prevent a network from doing news shows on a controversial issue being discussed in commercials at the same time.

William Sheehan, senior vice president of news at ABC, offered another argument in a recent phone conversation with me. "We don't believe that a controversial issue should be the subject of purchased time because then the person with the most money would be able to shout the loudest," he said. Sheehan's argument, of course, doesn't hold

up in the case of Mobil, since the company has offered to pay for counter-commercials. But even in general terms, the basic flaw in his argument is that all three networks have different definitions of controversy, and apparently at whim can use them to keep both public interest groups and companies like Mobil from gaining access to the public on the very powerful broadcast media. Sheehan and Richard Jencks, vice president of CBS in Washington, D.C., agreed that it is both inevitable and unfortunate that the networks differ on what constitutes controversy. But, says Jencks, if public interest groups disagree with a network's definition, they can always complain to the FCC.

None have, so far. In order to make a fairness complaint stick, a group would have to show that the over-all balance of programming on energy issues has been one-sided. "It's a tough nut to crack," says Shulman. In its letter to Rosenthal, for example, NBC detailed its energy programming, noting that it broadcast a three-hour TV documentary on energy in prime time on Sept. 4, 1973, and followed that up with two one-hour shows in prime time on March 21 and 22. In addition, said NBC, its everyday news shows regularly reported on a variety of aspects of the energy situation. The other networks offered similar programming details.

The print media, of course, are not bound by the fairness doctrine or any other legal requirement to provide equal time. (The Supreme

"The fuel crisis will require some sacrifice by all Americans."

— RICHARD NIXON

After-tax oil profits—1973 (millions of dollars)

	First nine months of 1973	Percentage increase over 1972
Exxon	1,656	59.4
Mobil	571	38.3
Texaco	839	34.9
Gulf	570	60.1
Standard Calif.	560	39.7
Standard Indiana	390	32.2
Shell	253	40.6
Continental	153	23.4
Atlantic-Richfield	178	36.9
Total all nine	5,170	45.2
All oil companies	52,500	30.3

Well, almost all.

Tired of paying for the oil industry's mistakes? Do something about it. Write your elected representatives and insist on an energy policy based on public need, not corporate greed.

Court recently found unconstitutional Florida's law requiring political candidates be given space to reply to editorial attacks, which only reinforces that freedom.) Not surprisingly, most newspapers and magazines showed little or no interest in scrutinizing the oil company advertising that poured into their pages during the energy crisis. The performance of *The New York Times* and *The Washington Post* is particularly worth examining, since the oilmen used both papers as major vehicles for carrying their message to opinion-makers.

A survey of the *Times* during the months of January and February, when the crisis was at its peak, shows that 35 non-product energy ads appeared, most of them at least a quarter-page in size. At a rate of \$10,416 per page on weekdays and \$12,960 on Sundays, that's not a bad take. During those same two months, there were no letters to the editor criticizing the ads. On the Op-Ed page, a Mobil ad was attacked once, in a piece by Dr. Alfred E. Kahn, since then appointed chairman of the New York State Public Service Commission. In its news columns, the *Times* never carried any stories dealing with the deceptions in the huge number of ads it was running. In April, the paper even passed up the opportunity to use a wire service story on the subject, an Associated Press piece examining Mobil's riskiness-of-drilling ad.

Environmental Action, a Washington-based group, calculated that in January and February the *Post* carried at least 20 major non-product energy ads. At the same time, the organization found almost no mention of the issues raised in the ads in the letters' columns, and no stories examining the content of the ads. While Environmental Action

praised the *Post's* reporting on the energy crisis in a letter to the *Post's* ombudsman last March, the group said, "...the facts that might rebut questionable industry claims have been printed with neither the frequency nor the prominence of the paid advertisements."

Environmental Action asked the *Post* to grant one full page of free ad space to public interest groups for every five pages of paid energy ads. This arrangement, said the group, would be temporary, "designed to add some balance to the extraordinary level of industry advertising on energy." The group noted that it did not view this proposal as creating a precedent for free counter-ads in newspapers, "unless such a huge and one-sided media campaign occurs again." The group also asked the *Post* to give the public more access to the paper than is allowed in the letters columns. It asked that a regular column be instituted, possibly to be called "Talking Back to Madison Avenue," to give people a forum to respond to ads in the paper. This, the group hopes, would be a permanent feature.

Robert Maynard, formerly the ombudsman at the *Post* and now a member of the editorial board, said the paper has not yet responded to Environmental Action's requests. But he agrees that the ads do raise serious questions of balance. "An editorial ad is the start of a debate on a public issue, and we ought to have an orderly forum for that debate so that it isn't weighted to one side merely because that side has more money," he said. "But I don't have any fast answers...after a year and a half as ombudsman, trying to deal with questions of fairness, I know how hard these

questions are."

In the next year, either by decision or in-decision, the federal government will deal with the issues raised by the energy crisis. Off-shore drilling, control of oil shale and coal on government lands, oil prices, the anti-competitive aspects of the industry, its tax advantages and the immense problems of oil diplomacy and the Middle East will either be attended to by Congress and the executive branch or left to the companies as before. If the public is unaware as each issue is raised, or if the public hears only one side of each issue, then the structure of the oil industry will not change and the control of the world's energy resources will remain in its hands.

Perhaps the network policy on controversial commercials could be defended during the energy crisis, when news shows and specials were filled with energy stories, and perhaps the complacency of the print media about their print ads could be justified in the same way. But energy stories no longer qualify as news to most editors. My own newspaper, *Newsday*, which hastily set up three energy teams during the height of the crisis, as quickly abandoned them when the gas lines abated. Many energy stories in *Newsday* now get relegated to holes on round-up pages. Yet *Newsday* kept carrying oil company ads.

To correct the double-bind where, on the one hand, the public is denied the right of reply, and on the other, the right to demand substantiation, the place to begin is the FTC. Mobil's First Amendment arguments should be seriously considered. But the thesis raised in the Rosenthal petition—that many image ads are, in fact, selling products—may be the basis for a refinement of the laws on false advertising. The FTC is right to be cautious in treading on free speech, but is wrong to do nothing. The FTC should proceed with a substantiation campaign against the image ads and let the matter go to court, if necessary, to work out a new definition of what kinds of claims are subject to regulation.

This action would have the side-effect of forcing the oil companies to decide whether they want their ads to be tax deductible. At a recent hearing of his Senate Environmental Subcommittee, Sen. Philip Hart (D-Mich.) revealed that Exxon, Texaco, Shell, Gulf and Phillips, plus 12 utility companies and associations, have classified their image ads as deductible, which means that they consider them non-political, commercial messages. Even Mobil, the most outspoken proponent of its right to free speech, isn't willing to pay the price for it. Out of a \$16,158,000 ad budget for 1973, Mobil listed only \$829,000 worth as non-deductible. In addition, FTC action would have the beneficial result of forcing the networks to either reject commercials that really are political, or to face the requirements of fairness either in their news programs or by running counter-commercials.

The problem of print energy ads is different. I do not believe that an equal time law should apply to print. But I submit that if the concentration of ownership in the print media increases, and more newspapers are left with a monopoly in their markets, the same arguments for equal time in broadcast may ultimately become compelling for newspapers. The public has more access to print media than broadcast, but that access is still severely limited. Letters columns and Op-Ed pages are not enough. Environmental Action's plea for free ad space during the energy ad campaign seems reasonable. And the idea of a permanent column open to the public for criticism of ads should be adopted not only by the *Post*, but by other newspapers as well.

The Mayor, The Times, and The Lawyers

(continued from page 1)

assistant national editor Robert Semple, working in the kitchen of Walsh's house in the Washington suburb of Silver Spring, edited the story down to about half its original size. This version alleged that there were inconsistencies between Alioto's testimony in the *Look* case and "information in the files of law enforcement agencies and private investigators." If true, the allegations were potentially damaging to the mayor, since they called into question the veracity of his vigorous sworn denials of any improper link to the underworld.

After Walsh and Semple worked on the story, the author took it to New York together with a large number of the documents he had gathered. According to one *Times* man, the documents filled two suitcases. The next step was to get the story approved by *Times* vice president and general counsel James Goodale, before submitting it to managing editor A.M. Rosenthal. After some further revision, Goodale gave his approval. "I didn't have any problems with it," he told [MORE]. "If there was a lawsuit, I thought it was a lawsuit we could defend. We'll win. I see no reason why we don't have a defensible case. Sure, it's complicated. So what?"

Earlier, Walsh and Goodale had decided that no effort should be made to approach Alioto for an interview until Walsh's story was finished, edited and a decision had been made on whether to publish it. At the end of April, according to *Times* sources, the story went to Rosenthal for his approval. Two days later, according to the same sources, national editor Jones told Walsh that he need not wait around New York any longer for word from Rosenthal. Jones is reported to have said that Rosenthal had read the piece, found "no real problems" with it and wanted to make only some "observations," which could be transmitted through Jones. That day, May 1, Wallace Turner, the *Times*' veteran San Francisco correspondent, approached John DeLuca, Alioto's deputy, after a news conference in San Francisco, and asked if he and Walsh could interview the mayor. Alioto declined to be interviewed on the ground that running the city and running for governor left him too little time. (Alioto was an unsuccessful candidate in the California Democratic gubernatorial primary June 4.) The *Times* was urged to wait.

The *Times* did not choose to do so. On May 6, at DeLuca's suggestion, Walsh submitted to Alioto a list of more than 60 questions dealing with the specifics in his manuscript. The questions were pointed and Walsh demanded answers within ten days. Instead of answers from the mayor, the *Times* got a visit on May 15 from Darrell Salomon and James Joy, lawyers representing Alioto. There ensued a five-hour meeting at the *Times* offices with Walsh, Jones and *Times* counsel Alex Greenfeld. When it was over, Walsh was no nearer getting the mayor's answers to his questions than he had been before. Indeed, from the start there was sharp disagreement about the purpose of the meeting.

"As I understand," Jones told Salomon early in the session, "you are a spokesman on behalf of Mr. Alioto and you are here to answer the questions which have been submitted by Mr. Walsh to Mr. Alioto."

SALOMON: That is not correct at all. My responses are not the responses of the mayor. He should be permitted to review [this] transcript for himself and respond personally and fully on a reasonably scheduled date, but since we cannot seem to arrive at a reasonably scheduled date—and I hope that's one thing we can

discuss here—I hope to provide you with information; such information that I have on facts that I have been able to investigate bearing on some of the questions that have been raised.

JONES: Do you represent the mayor, or don't you?

SALOMON: Yes, I am an attorney and I do represent the mayor.

JONES: You are speaking for the mayor here?

SALOMON: No, I am not.

JONES: Who are you speaking for?

SALOMON: I am speaking for myself.

JONES: Then why are we meeting?

SALOMON: We are meeting to provide you with as much truth on the subjects raised as I can provide you, but not in a sense that my responses shall be the mayor's responses....

JONES: That was not my understanding, Mr. Salomon. It is my understanding that you were calling on behalf of the mayor in response to a letter to Mr. DeLuca; that you would come here and give us the best answers you could on behalf of the mayor and that's why we are here....

Finally, Salomon was asked the first of the questions on Walsh's list: "Have you ever met Frank Bompensiero and have you ever talked to him?"

"I can tell you," responded Salomon, "to look at the trial record and see what the mayor said on the record. Second, I can say I have not had an opportunity to talk to the mayor about this

question in the seven-minute period that I had with him in my last meeting with him on Sunday. I can tell you that I personally believe his answer would be no, but I would very much like the mayor to answer that question himself to you, personally, to Mr. Walsh and to responsible persons in the *Times*." [Salomon has since emphatically denied that the mayor has met Bompensiero.]

WALSH: Question two is: When did the mayor first learn of Rudolph Papale's dealings with Bompensiero regarding a license to import lard into Mexico? [Papale is the mayor's brother-in-law and business associate.]

SALOMON: Let me say something else so it is on the record. I have not had an opportunity to review this [part of the *Look* case] transcript either, except very short portions. I have not had an opportunity to review the record so even I must rely on my memory about a case, and a transcript and a recording that is some five years old. My recollection is that—I don't recall precisely what the mayor's testimony was with regard to this—but I have no doubt about the answer, speaking for myself now, the answer is very clear. The mayor first learned about Papale's dealings during the *Look* authors' interview and from the *Look* article. Once again the mayor would like to answer this question personally with you and responsible persons in the *Times*....

WALSH: How much did the mayor know about these dealings between Mr. Papale and Mr. Bompensiero?

SALOMON: Well, now, that's a question that is not clear in its phraseology, first of all. I want to ask you about that. At what point in time are you referring?

WALSH: At any point in time.

SALOMON: At any point in time?

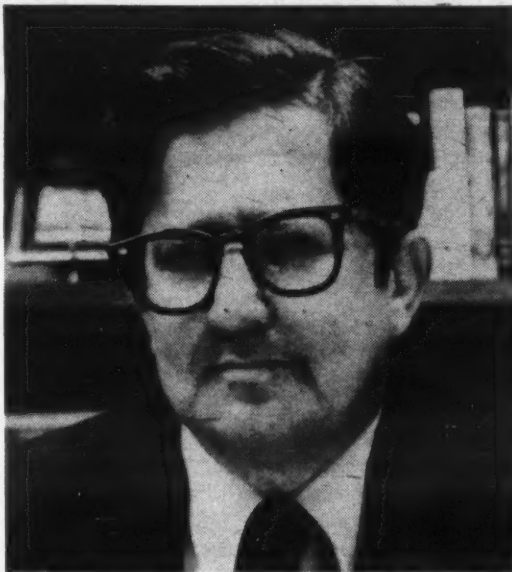
WALSH: Yes.

SALOMON: That's very difficult to answer, Mr. Walsh, because his knowledge after the *Look* article would obviously be different than his knowledge before the *Look* article if his first knowledge of the entire lard transaction occurred from the *Look* article itself. Isn't that a fair statement?

WALSH: Yes, that's a fair statement. I would like to know as of today how much the mayor knows about the dealings between Papale and Bompensiero regarding a license to import lard into Mexico.

SALOMON: That, again, is a question I have not had an opportunity to ask the mayor about. I have not had an opportunity to get his response. He urgently requests an opportunity to sit down and answer that question with you personally.

Salomon repeated throughout the meeting (at least two dozen times) that Alioto wanted to be interviewed himself. And he maintained Alioto was legally entitled to be questioned in the presence of the "person or persons responsible for publication" of the Walsh story (presumably managing editor Rosenthal). He said the mayor would even fly to New York for the interview at his own expense, as long as it was held after the primary. Salomon also said more than once that he had only had seven minutes with Alioto to discuss Walsh's questions in the days since they had been submitted. He gave this as a reason, in addition to his insistence that he was speaking for himself and not for the mayor, why he could not respond to a number of points. Further, Salomon angrily challenged some of the questions, charging that they smacked of "guilt by association" and that they showed Walsh had



Times managing editor A. M. Rosenthal (above) and reporter Denny Walsh.



Robert R. McElroy—Newsweek

Walker Dean

falsified the record of the *Look* case in propounding them.

"Does the Mayor still maintain," asked Walsh at one point, "that he did not meet with James Lanza and his father, Giuseppe Alioto, in a car across the street from Lanza's office in May of 1959?"

"That's another example, Mr. Walsh," said Salomon, "of your misquotation of the record, which I believe representatives of the *Times* should take a close look at. Take a close look at the way you misquote the record, Mr. Walsh, because it bears directly upon your credibility and reliability as a source of the information which you are attempting to foist upon the *Times*. . . The Mayor did not lie in his testimony. You have misquoted the record. He simply said, as an honest man would, I don't remember meeting in a car, but he remembered other contacts of the same kind, and there would be no purpose or motive in falsifying his testimony, which he did not, and which you have falsified in your question."

However Walsh may have performed on this story, his reputation has been solid. He won a Pulitzer Prize (shared with Al DeLugach, now of *The Los Angeles Times*) for a series of articles on labor union corruption for the *St. Louis Globe-Democrat*. After that, he joined the *Life* investigative unit where he broke the story of St. Louis Mayor Alfonso Cervantes' dealings with Teamster lawyer Morris Shenker and with organized crime, the story of former Ohio Governor James Rhodes' misuse of campaign funds and tax delinquency and the story of the Justice Department's interference in investigations of possible tax-cheating and illegal campaign donations by individuals and companies associated with C. Arnholt Smith, a close friend of President Nixon. All of those stories have stood up. "He's an excruciatingly thorough reporter," says Sackett. "Anytime he spent any time on a story he would come in with enough material for a book."

In the days following Salomon's visit, the *Times* was deluged with letters, telegrams and documents in support of the mayor's position. Late on the morning of May 20, Rosenthal met in his third floor office with Goodale and Floyd Abrams, a *Times* outside counsel. They told Rosenthal the story was legally sound. "We both said we're ready to advise you to go ahead," says Goodale. Nevertheless, that afternoon, according to *Times* sources, Rosenthal told Jones he had misgivings about the Walsh story. Jones argued vigorously for publishing it and urged Rosenthal to reconsider. Rosenthal agreed to think it over. The next day, though, he was near a decision to kill the story. Jones again argued and their meeting reportedly ended with Jones shouting at Rosenthal. Rosenthal wouldn't budge. According to *Times* sources, Rosenthal felt the story had two basic defects. One was that it essentially failed to advance the Alioto affair beyond the original *Look* article. This seems an implausible line of thinking for several reasons, the main one being that the *Look* piece has been badly discredited. Indeed, the Walsh manuscript says in the fourth paragraph that the *Look* piece was "flawed by some rather serious errors in fact." What's more, Walsh's manuscript raised questions about a number of events which allegedly occurred after the *Look* story was published.

Rosenthal also reportedly felt that the story created an impression beyond the exact words that, in its totality, was unfair to the mayor. He is also reported to have thought that the length of the story—requiring extensive space in the *Times*—would in itself be a suggestion that the facts reported had greater significance than they actually did.

On the afternoon of May 21, Rosenthal summoned Walsh into his office, where *Times* sources say he remained for more than an hour. Walsh left the meeting with the clear understanding the story had been killed. Later, however, Jones told Walsh that Rosenthal still wanted him to pursue his efforts to interview Alioto, although Jones made it clear there was still no chance the story would be published. The effort to interview Alioto continued for several weeks, but was finally dropped.

Rosenthal denies that the story has been killed. "This story is still a story," he told [MORE]. "I won't discuss any story that we're still working on. That kind of thing can lead to all kinds of situations. I can't discuss this at all. We haven't killed anything." Jones' response was similar: "As a general rule, I don't discuss stories that are in preparation." He was asked if that meant that this story was still being worked on for possible publication. "I just don't want to talk about what we're doing in terms of collecting the news. All I can say is I don't talk about what we're up to." Goodale, also, was under the impression that the story had merely been set aside for the time being. "My assumption," he said, "is that consideration will be given to running it at the appropriate time."

Despite these disclaimers, it seems evident that Rosenthal has, at the very least, shelved the Alioto story. But it is difficult to judge his motives,

especially in the light—or the dark—of his refusal to talk about them. It cannot be ignored that Cowles Communications is now a major stockholder in the *Times* and that Gardner Cowles, until this spring, sat on the paper's board of directors. Perhaps a *Times* story raising questions about Alioto's testimony in the *Look* case would help Cowles by undermining the mayor's credibility. But it might also backfire. Alioto could seize upon it as evidence of a continuing Cowles effort to undo him. Conceivably, too, the story could be frowned upon by the Ninth U.S. Circuit Court of Appeals, where the *Look* case is now pending. Either way, Alioto might feel compelled to sue the *Times*, if only to sustain the credibility of his appeal. Yet, despite these potential complications, *Times* counsel Goodale indicated that the Cowles connection was not a factor, at least in his recommendation that the piece is legally sound.

If the Cowles connection was not important to corporate vice president Goodale, it is hard to imagine that it mattered much to Rosenthal, either. Nor does it seem likely that Rosenthal was scared off solely by the prospect of a long and costly lawsuit from Mayor Alioto. Abe Rosenthal has shown courage and integrity, legal dangers notwithstanding, on stories more explosive than this one, especially the Pentagon Papers. Besides, the *Times* has the resources for such litigation and the paper's lawyers had told Rosenthal the paper would win. What seems a more likely explanation

Editor's Note

As originally written, the accompanying article by Brit Hume contained an excerpt from Denny Walsh's manuscript (obtained from a source outside the *Times*) that summarized his allegations against San Francisco Mayor Joseph Alioto. Because we would be airing these charges for the first time, we sought the mayor's response to them.

On Monday, July 15, Hume telephoned Tom Flynn, Alioto's press secretary, and outlined the charges and asked for comment. Flynn said "there was no question we would vigorously dispute any allegations questioning [Alioto's] testimony" in the *Look* case. He said, however, that he did not want his comment to stand for the mayor's response, and asked that we get back to him the next day. On Tuesday afternoon, Hume again spoke to Flynn in San Francisco. He had by this time met with Alioto and said, "I'm sure there's going to be an answer coming. You'll be hearing within the next 15 or 20 minutes from Darrell Salomon," the mayor's lawyer. Later that afternoon, Salomon called [MORE] and, among other things, urged that we delay publication of the Walsh material until he could furnish evidence he felt would refute it. Still later that afternoon, Hume spoke with Salomon for nearly an hour, once again outlining the passage from the Walsh manuscript we had planned to quote and again inviting the mayor's comment. Salomon said he would either send as much material as he could or would fly east to New York on the "red-eye" and bring it himself.

Wednesday morning, shortly after 10 A.M., Salomon and an associate, James Joy, appeared in [MORE]'s offices armed with documents, none of which was a statement from Mayor Alioto. Among them were three rather ominous letters to Hume and the editor and publisher of [MORE] requesting

that we "retain and not destroy or alter any documents, notes, inter-office memoranda or other written or graphic material . . . in any way relating to the article you are preparing" on Alioto, Walsh or the *Times*. Salomon also brought with him a 14-page, single-spaced letter urging that we delay publication of our article until the next issue "to allow yourself an opportunity to verify the facts set forth in the Walsh manuscript, and to interview the mayor." The letter concluded by warning that "it is well settled that every repetition of a falsehood is a publication in itself even though the repeater states the source, or resorts to the customary newspaper evasion 'it is alleged,' or makes it clear he does not himself believe the imputation." Salomon's request and his warning were repeated several times during a two-hour meeting that morning with the editor and associate editor of the magazine and Jeremy Nussbaum, a lawyer representing [MORE]. Salomon also said the Walsh passage, which he had now been shown, was false and defamatory and that publication of a response from the mayor along with the allegations would "not be satisfactory." In the letter and at the meeting, Salomon vigorously disputed Walsh's charges.

The view of our lawyers following the Salomon visit was that we faced the clear threat of a lawsuit if we published any of Walsh's specific allegations. They also said we would likely win such a suit, but that the cost of defending it might easily bankrupt the magazine. After a good deal of agonizing, during which we delayed publication of this issue six days, we decided the risk was not worth it, since Walsh's allegations against Alioto were not the principal subject of Hume's article. What we set out to do was to show how the *Times* handled a potentially explosive story. —R.P.

is that, in the last analysis, Denny Walsh is not *The New York Times*' kind of man and his story was not Rosenthal's idea of important reporting.

Walsh is the blunt-spoken, cigar-chomping son of a Los Angeles cab driver who made it in journalism, despite his ungraceful prose, by his dogged pursuit of stories about political corruption, mostly concerning organized crime and its links to public officials. He is known for his excellent sources inside the Justice Department and other law enforcement agencies. He has succeeded

repeatedly in gaining access to FBI documents which have formed the basis for a number of his more important stories—notably for *Life* magazine about St. Louis Mayor Cervantes. Since he has been with the *Times*, he has balked at covering Watergate, a story he thinks is overcovered in proportion to other stories about alleged corruption. To him, the alleged relationship between a prominent big-city mayor and the underworld seems an important matter, especially if the mayor has given testimony on the subject which Walsh's sources consider suspect. But to an editor like Rosenthal, preoccupied like most

Timesmen with international affairs and events in Washington, such a story must seem less intriguing, especially with the *Times* still trying to catch up with its principal competitor, *The Washington Post*, in covering the biggest Washington scandal in memory.

It is possible, of course, that Rosenthal had doubts about the accuracy of Walsh's allegations. And it is also possible that Rosenthal is telling the truth and that the *Times* will publish the Alioto story in some form at some time. But for the moment, in the words of one *Times* editor, "If it hasn't been killed, it ain't breathing very hard." ■

Annals of Checking

(continued from page 7)

owned by litigious people are checked through the telephone book, and then there is the ever-present Plausibility Factor, a booby trap that has caught many an unwary checker. The Plausibility Factor embraces such improbabilities as a discussion of the non-existent Dutch elms in East Hampton, or having a character remark, "I left Washington in 1967 because I couldn't stand Richard Nixon." Even poems get the P.F. treatment, as critic John Simon discovered (see box, page 6).

Although the bookshelves in the checking department contain esoterica for every contingency, from the *Almanach de Gotha* to ancient Manhattan telephone books, and the library is stocked with past issues of *The New Yorker* (considered to be gospel), now and then mistakes inevitably slip through. They are almost always small mistakes, although to *The New Yorker* nothing is small. The Ayub Khan was transformed into the Ayub Kahn once (it is whispered that that was a proofing error); Desmond Fitz-Gerald, the Knight of Glin, was dehyphenated; and a Russian conductor, the members of whose orchestra called him by his first name, Sergei, almost appeared as Sir Gay. That one was caught, but someone was concussed when Jacob Brackman wrote in "The Put-on" (June 24, 1967) that the cast of "Beat the Devil" included Sydney Greenstreet, who was not alive at the time. (Greenstreet had been slated for the part which went to Robert Morley.) Winthrop Sargeant slipped through the checkers' net about ten years ago when he was dealing, appropriately

enough, with critics who make mistakes. Joining their number, he wrote that the great French critic, Charles-Francois de Sainte-Beuve, disapproved of Marcel Proust's writings because he thought Proust led a low moral life. Sargeant meant Stendhal, not Proust. Sainte-Beuve died three years before Proust was born.

Among the more ticklish questions checkers face is that of quotes. Although everyone who speaks in the pages of *The New Yorker* does so in flawless English (a grammatical courtesy extended by editorial policy), a great number of people fly into a panic when their words are read back to them; and when facts and interpretation are intermingled in the same quote, the craft of checking becomes exceedingly delicate. The checkers had a particularly difficult time with "All Pockets Open" (Jan. 6, 1973), Calvin Tomkins' "Profile" of Jonas Mekas and the underground filmmakers, most of whom had a second occupation, which was quarreling bitterly with each other over their respective roles in the movement. One of them, Amos Vogel, was most insistent that his opinions receive equal space with Mekas' and gave the checker a written polemic to use in lieu of his original quote. "This is going to be a historical record," he said in justification of all the trouble he was causing, "and it has to be accurate." The pitch to accuracy was irresistible, and he argued his way into a compromise with Tomkins, who finally added some of the new material.

The worst mistake, the nightmare of every checker, is to kill off someone prematurely. One of the more memorable murders was committed when theater critic Kenneth Tynan remarked in a review that a certain actor reminded him of the late Eric Blore. A checker asked the room at large, "Does anyone know if Eric Blore is dead?" Another checker answered, "Yes, of course he's dead," violating a cardinal checking rule, which is: Never rely on your knowledge. Sure enough, a letter came from a friend of the actor saying that Blore was in a nursing home. After an appropriate explosion, Tynan wrote a correction in his next review, saying how happy he was to learn that Eric Blore was not dead and wishing him well. Blore, however, was still possessed of his acute sense of timing, and just as the retraction came out he died, leaving Tynan incoherent and everyone else numb.

For all of their dedication, *New Yorker* checkers earn only \$8,000 a year to start, and when there's overtime the supper slip is \$5.00, barely enough for hors d'oeuvres at the Algonquin. But the magazine is awash in fringe benefits, and five out of seven checkers pronounced themselves thoroughly contented with the job, with no desire to change; the other two were more ambitious, wanting to get ahead, preferably within the magazine. Life at *The New Yorker* is so pleasant that many people just stay there forever, blocking

the road to advancement; and because of this limitation more checkers have moved onward than upward, including humorist Tom Meehan; Roy Bongartz, a writer for the Sunday *Times* Travel section; and Chancellor of the Exchequer Bill Honan, editor of the Sunday *Times* Arts and Leisure section, the most illustrious alumnus (not counting *New Yorker* writer Richard Harris). Actually, Honan isn't quite sure about his status. When he was a checker (1959-62), he took leaves of absence every so often to write and has never formally resigned. "For all I know I'm still there," he says.

Although *The New Yorker* is far and away the most fastidious, many magazines have at least some sort of checking arrangement. Often it's one person to go over names, dates, places and quotes from books, speeches, and other sources, as they do at *Harper's*. *Esquire* has had a full-fledged checking department since the mid-'thirties. And *Time* and *Newsweek* also check and sometimes double-check (though the newsmagazine's group journalism and hierarchical system of editing more than occasionally subverts the checkers). The magazine whose checking efforts come closest to *The New Yorker's* is *Playboy*. Its eight-person checking department was founded in the mid-'sixties in open admiration of the older magazine. "We copied them because they did the best job of it," says Arlene Bouras, a copy editor who set up the replica.

Despite these and other efforts, much American journalism—both print and electronic—remains more concerned with getting the words out rather than getting them right. Millions of sentences of questionable information pour forth every day; people clip them and base articles on them, and the errors pile up like a malprogrammed computer print-out. Excuses can be found for daily newspapers—there often simply isn't enough time to check thoroughly. But weeklies, monthlies, and books—especially books—are another matter. Books, with their long gestation period, are looked to for that elusive substance known as the truth. Yet, most book publishers don't require their authors to hand in a list of sources, and copy editors rarely have the time to check properly. Indeed, some *New Yorker* writers with book contracts pay one of the magazine's checkers to go over those sections of their work that have not previously appeared in the magazine.

Money, of course, is one requirement for setting up a diligent checking department, and clearly some publications—including this one—can't afford to do it. But many that don't do much checking could. In the end, however, a high accuracy record is more the result of an attitude than of a bank account—a respect for the story and the reader. In the old days at *The New Yorker* under Ross, a serious checking mistake was a firing offense. It was a drastic method, but the message got through. ■

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THE BIG APPLE

Voice Intelligencer

Village Voice writers have long been known as a squabbling, feisty, temperamental and highly independent bunch of folks. But the trait that binds them together is fierce loyalty to the paper—its traditions, its history, its founders. So, after *New York* magazine's bold purchase of the *Voice* last month ["Bloomingdale's Meets Bleecker Street"—July, 1974], the prime topic around the *Voice* was the future of publisher Ed Fancher and editor Dan Wolf, who, along with Norman Mailer, founded the *Voice* in 1955. At the time of the takeover, *New York* publisher and editor Clay Felker was noncommittal about the two men's contracts, saying he preferred to wait and see how the chemistry among the three of them worked out. In the meantime, *Voice* staffers and avid Felker watchers settled back to wait for the ax to fall.

And, inevitably, it did—faster than even most cynics had expected. On July 9, the board of the New York Magazine Co. met in attorney Theodore Kheel's office. Among the topics discussed in the three-hour meeting were the rising costs of newsprint, *New York's* business picture—and the top jobs at the *Voice*. A week earlier, Fancher and Wolf's attorney had written to Felker and said the two would consider remaining at the *Voice* if each received a two- or three-year contract, with each reportedly also seeking a \$70,000 annual salary. By the end of the meeting, Fancher and Wolf were out—their contracts, which expire at the end of the year, will not be renewed, but the dismissal was effective immediately. *Voice* executive editor Ross Wetzsteon became the new editor; the new publisher (though not necessarily, in title also) was *Voice* president Bartle Bull, who along with Carter Burden had purchased the *Voice* from Fancher and Wolf in 1970.

Felker broke the news to Wolf that evening, and to Fancher the next morning over coffee. "He didn't really give any reasons for it," a stunned Fancher said later that day. "He just seemed to feel that this was the right time to do it." There was no attempt to negotiate, said Fancher. "I think that Felker feels that he did buy the paper and he wants to run it his way."

Fears about just what might be Felker's "way" were refueled by the firings, which sent the *Voice's* normally high in-house paranoia quotient soaring. There was, of course, some passion. "Everything out of [Felker's] mouth was a lie," said staff writer Lucian Truscott IV. "He never intended to work with Dan and Ed. He intended to get rid of them as soon as possible." More prevalent was the feeling that the banishment of Fancher and Wolf would presage the passing of the *Voice's* cherished independence. "At a meeting at my house, Carter Burden assured us of our editorial integrity," said *Voice* news editor Mary Nichols. "We're all relying on him to make sure it prevails. We hold him responsible" for keeping that pledge.

But if "integrity" should ever seem lost forever, several *Voice* staffers report there's already been talk of *Voice* writers starting another paper next year, and asking Fancher



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Above: Clay Felker, right, listens as Village Voice movie critic Andrew Sarris makes a point during meeting with *Voice* writers. Left: Bartle Bull, right, talks with *Voice* co-founders Dan Wolf and Ed Fancher (in hat) after they sold the weekly in 1970 to Carter Burden and Bull, now the new publisher.



and Wolf to become involved. Bartle Bull, however, had lunch with Fancher on July 11, two days after the firings—"it was friendly as ever," says Bull—and says he hopes to persuade the two men to stick around in some advisory or consulting capacity.

Staffers who aren't worrying about Felker will be watching new editor Wetzsteon, Wolf's longtime heir apparent. Depending on whom you talk to at the *Voice*, either Wetzsteon is a gentle diplomat who works well with writers, or someone who has assigned choice pieces to untested freelancers who also happen to be his woman friends. Either in the last year Wolf became disenchanted with Wetzsteon and delegated less work to him, or he's gradually been doing more and more of Wolf's work. Either he never has had a real chance to show his own ideas, or, uppermost in many minds, he will be an easy man for Felker to push around. "A better choice couldn't have been made," says staff writer Joe Flaherty. "Ross has been editing

the paper all along, he represents continuity." "He's a nobody," says Truscott. "Felker's going to fucking dominate him."

Felker reportedly told Nichols on July 10 that Wetzsteon would have authority to make assignments, select articles, and name sub-editors. Still, the doubts remain; but *Voice* staffers have retained their wait-and-see posture before contemplating defections. Ironically, the first fallout to result from the deal may come from Felker's own camp. *New York* political writer Richard Reeves says that Burden's presence on the New York Magazine Co. board as the largest single stockholder makes it "less likely" he'll renew his contract with the magazine in September. Felker has told Reeves that Burden will keep hands off, but Reeves worries that Burden, a city councilman with political ambitions, may someday want to exert control. "Someday he and Clay are going to have a real showdown," he says.

For now, at least, Felker is calling the shots. Before the firings, and within a month after closing the deal, Felker had set up a third-floor office in the *Voice's* University Place building, directed his assistant, Jane Maxwell, to run it, installed a tie-line telephone from his *Voice* command post to *New York's* East 32nd Street offices and called a hasty meeting with the *Voice* staff where he declared himself "the undisputed boss of the *Voice*, both editorially and business-wise," according to one writer who attended.

Indeed, Felker-watching has become a popular parlor game among those in this town

(continued on page 21)

DAILY NEWS

WFD

WCBS NEWSRAD

88

NEW YORKER

7

New York

10

1010 WINS

New York Post

9

Amsterdam News

WNBC-TV 4

VOICE

5

VARIETY

13

The New York Times

2

THE BIG APPLE

DAILY NEWS

WHD

WCBS NEWSRAD 88

NEW YORKER

7

(continued from page 20)

who relish such things. Sadly for cynics, there appears to be no master plan, no grand design Felker had worked out long before the first overtures were made. But in the last month he has been floating plenty of trial balloons, including production of a national edition with local inserts; individual city editions, such as an L.A. *Voice*, with local wraparounds; and national distribution of a monthly "Best of the Voice," comprised of articles from the three preceding weeks' issues. More likely is that Felker will pursue a multiple edition concept but confine it to the New York area. Once seriously considered but rejected as too costly were Brooklyn, Queens, New Jersey, and other editions of *New York*; but such a plan would be much cheaper, and much more feasible for the *Voice*, says Kenneth Fadner, New York Magazine Co. vice-president for finance, now in charge of the *Voice*'s overall business operation.

New York design director Milton Glaser has been working on improving the *Voice*'s sloppy, jump-crazy layout. Beyond that, there will be a major push for circulation. In fact, Felker told the *Voice* staff that if circulation and promotion weren't strengthened, the *Voice* might not survive more than three or four more years because of its inability to keep pace with rising printing and paper costs. Then-publisher Fancher disputed that fact heatedly, pointing out that the *Voice*'s earnings have been greater than *New York*'s every year since *New York*'s inception. Still, the fact remains that both the *Voice*'s circulation and earnings have been flat—showing no appreciable increase over the past year, according to Fadner. And flat earnings, at a time of sharply rising costs in the business, spell trouble.

To turn that around, the *Voice* will most likely resort to the immediate relief of a rate boost, both in advertising and subscriptions. Fadner notes that the *Voice*'s ad rates haven't been raised in over a year, "and it's quite obvious that at 25 cents it's underpriced on the newsstand."

Additional money has already been pumped into *Voice* salaries. Across-the-board raises averaging \$75 per week were put into effect the week after Fancher and Wolf's dismissals. Of course the raises were welcome (*Voice* writers being generally underpaid) and even awaited, since Felker has a reputation for paying his writers well. Still there was the inevitable sentiment that, in the words of one skeptic, "He's trying to woo us, to buy us off." Meanwhile there's much dramatic talk in the office about the "death of the *Voice*," "the end of the *Voice* as we've known it." Says one writer: "Felker may not understand that Dan and Ed's loyalty didn't come from money...but from editorial integrity. Money will not buy happiness at the *Voice*."

—CARY REICH

The Un-Critic

It was a refreshing change from your everyday drama critic. In 1973, WNBC-TV hired stylish Geoffrey Holder, *Seven-Up*'s uncola man, to be guest critic on the 11 p.m. newscast. After three



Holder: A Friend, indeed.

months, however, the 6'6" Holder was out. Lest the theatergoing public wonder why, herewith a few reflections by Holder on the critic's role, as told to William J. Slattery in the *New York Sunday News Magazine* on June 9:

"...all critics try to be impartial and they all fail at it miserably. There's no such thing as impartiality, particularly in anything so emotionally charged as theater. So I threw objective reporting to the winds. If my friends were in a play, I gave it a good review. If someone I hated was in a play, I panned it. And why not? What are friends and enemies for?"

"...unlike any other critic in the world, I know all aspects of theater inside and out...I know all aspects of entertainment in a way no outsider can. All of which means I am too kind. No matter how lousy a play or a film, I can always find something nice to say about it. (Unless there's an enemy in it, of course.) Why do I say nice things? To build box office sales, naturally. All my friends are in the entertainment world. Do I want my friends to starve?"

Geoffrey's friends who are hungry may now consult his latest undertaking, *Geoffrey Holder's Caribbean Cookbook*.

—C.C.

Bach or Rock

On or about March 4, a rumor was born. The rumor alleged that radio station WNCN, the city's only 24-hour, all-classical commercial station, was about to switch to progressive rock, with none other than Murray ("the K") Kaufman in charge. This rumor spread far and wide, although on April 14 *Daily News* radio columnist Val Adams printed a denial by NCN general manager Paul Wacksmith. As the calls and letters from outraged classical music fans poured into the station, Wacksmith began broadcasting hourly bulletins calling the report "totally erroneous." Soon after, Murray the K, appearing on WNEW-TV's 10 p.m. news, told reporter Steve Bauman that beginning on July 1 or August 1, he would start work at station

"WQIV" at 104.3 FM—WNCN's spot on the dial. On June 17, the "New York Intelligencer" column in *New York* magazine reported the deal was set.

Peter Starr, head of Starr Broadcasting, which owns the station, concedes that NCN presently runs dead last in the ratings, and that "We're losing a hell of a lot of money at WNCN. Perhaps there's too much classical music in New York." Still, says Starr, "There is absolutely no truth to the rumor. We never entered into any agreement with Murray the K."

Who started the rumor? At first, some suspected that it originated at WQXR, the *Times*-owned station that is NCN's major competitor. Others thought that Murray the K, unemployed and looking for work, spread the rumor to promote himself and generate interest in a new rock station. Still others think it may have been someone at NCN with an ax to grind with management.

Jack Nessel, who writes the "New York Intelligencer" column, says he trusted his source, "absolutely," although he denies that the item was offered as fact. "That whole page is only speculation," says Nessel. "We don't use the word 'reportedly' because it gets boring." —A.H.

Safire Signs Again

William Safire will be a bride after all. Doubleday & Co. has agreed to publish the former White House aide's manuscript on Nixon that was rejected as unacceptable by William Morrow & Co. last December. Safire signed for much less than was involved in his Morrow contract, which goes before an arbitration panel this month over whether he must return \$83,000 he was paid out of a \$250,000 guaranteed advance. —C.C.

A Quiz-O

We're hooked. Every day we rush out to buy the first edition of the *New York Post* for the latest development in the unfolding drama of "Post-O," the newspaper's nifty new circulation-building game. Alas, we've yet to win any of the weekly \$2,500 in prize money, but we're still trying—and we urge you to join in the fun. Unfortunately, we don't have the contest rules handy just now, but as we recall they go something like this:

Take the temperature of the composing room on July 4, add the number of times columnist Pete Hamill has quit the paper, multiply by the average number of typographical errors daily, find the square root of the average number of column inches devoted daily to rewritten *New York Times* stories and wire service copy, add the number of bow ties owned by editorial page editor James Wechsler, subtract the number of times Pete Hamill has come back to the paper, divide the number of sports writers into the number of Washington correspondents to get your "seriousness quotient," factor the seriousness quotient into the day's Dow-Jones stock average and cube this total by the number of bacon, lettuce and tomato sandwiches publisher Dorothy Schiff eats for lunch each week. Good luck!

—R.P.

New York

11

1010 WINS

New York Post

9

Amsterdam News

WNBC-TV 4

VOICE

WNEW-TV 5

VARIETY

13

The New York Times

2

(MORE) 21

FURTHER MORE

In Defense Of Leaks

BY ADAM CLYMER

Newspapers are never quite so self-evidently pompous as when their editorial pages denounce leaks and the accompanying news pages carry them. The stated arguments against those terrible people who are handing reporters information we consider it our duty to print, to cite *The New York Times* dogma of June 20, is that such leaks deprive the President of a fair trial in the Senate, or of fair consideration by the 38 members of the House Judiciary Committee.

The argument is pretty silly. No one would seriously argue that the representatives or senators will approach the case with the purity of mind, or obliviousness to the public record, that the courts expect of petit juries. Nor was secrecy ever a realistic objective; whoever heard of keeping an interesting secret if 38 congressmen knew it. Moreover, none of the leaked stories out of the hearings advanced the case one-tenth as far as the President's decision to release an edited, somewhat distorted set of transcripts of the tapes the committee unsuccessfully subpoenaed.

Nor is the oft-stated grand jury analogy a very pertinent one. The committee is not off on a fishing expedition, collecting stacks of dubious or untested material. For the most part, its staff is merely organizing materials that others have assembled. Neither is the defendant excluded as he would be from a grand jury. Though his defense attorney, James D. St. Clair, is required to be mute, the President does have such advocates as Rep. Charles E. Wiggins of California sitting there and devising arguments to legitimize hush money and backdated deeds for income tax purposes, and then cheerfully trying them out on the press. The other argument—obliquely stated in the *Times*—was put to me in late June by a conservative Southern Democrat, not on the committee. "Tell those fellows that if they don't cut out that leaking, they'll wind up getting Nixon acquitted," he said, with real worry.

I suspect that my Southern friend is right—that the leaks (some of which have come from Republicans) do make the committee look bad and therefore make the impeachment and conviction of the President less likely. The effect seems to be stronger than the damaging content of the leaked material itself, especially when Ken Clawson and his White House cohorts succeed, as they did, in persuading Washington's breakfast table daily to give more attention to the leak controversy than to the activities of the committee itself. As to how much difference all this makes, I have no idea. And as a reporter, I don't care. It's none of our business. As David Rosenbaum of the *Times* put it, "We have no obligation to impeach the President or acquit the President. We have an obligation to

print everything that we can ethically lay our hands on about this story."

There has been a good deal of pious talk from the committee about how the Grand Inquest of the Nation requires every citizen, high or low, to come forward with evidence, but only the dimmest acceptance by the committee of the public's right to know how and why a President is being impeached or vindicated. This is an intensely important story, and it's up to us to find out and report what's going on. Clearly, that cannot be done without leaks, and without leakers. And that fact makes it very hard to be patient either with editorials like the *Times*, or with members of the committee who come up and say, "I can't help you on it myself, but I think you ought to keep digging into the tax business. There's more there." He wanted the committee rules broken, all right, but by someone else.

The impeachment story certainly cannot be told by relying on the committee's official disclosures. It holds daily briefings, which include a noncommittal press release read by chairman Peter Rodino, who avoids straight answers as though he had been working with Ron Ziegler for years. (In fairness, it should be noted that Rodino's grammar and humor are far superior to Ziegler's.) John Doar, the inquiry's chief counsel, occasionally answers a question but usually feels he cannot, and the briefing cast includes various mystery guests. Republican Robert McClory regularly displays only the faintest comprehension of a day's worth of evidence. Democrat Edward Mezvinsky routinely offers assurance that the day's business before the committee raises serious questions. The committee does have a p.r. man, an amiable former chief of the Border Patrol, Donald Coppock, who gets the statements run off and can supply facts like middle initials and salaries of staff members. But neither Doar nor Rodino wanted to have the kind of well-informed information chief that the Watergate Prosecutor's office has in James Doyle, and they didn't get one. Occasionally, some information, or at least guidance, is furnished by Rodino's administrative assistant, Francis O'Brien.

The chairman's reason for trying to do business in secret, as explained by someone familiar with his thinking, was less one of principle than of tactics. He was less concerned with the method that would be fairest to the President, or with automatic adherence to usually-ignored if relevant House rules, than he was with keeping the public from getting bored with the committee. He was reasonably sure that would happen if the laborious presentation of evidence ("monotonous at best," he once called it) were televised.

He had other pragmatic reasons, too, like promises to keep grand jury material, CIA papers, and evidence taken in other committees' executive sessions secret if possible. The more he kept that material secret, the better were his hopes for getting more of the same. And a more compelling reason was to avoid a spurt of negative publicity just before the plumbers trial began. Even when Charles W. Colson copped a plea, John Ehrlichman remained as a defendant, and there is scarcely a book of evidence before the committee that does not reflect badly on Ehrlichman.

But none of those arguments was absolute. Rodino, one authoritative source said, was prepared to go into open session if much material leaked from the first few hearings and the committee looked foolish. But the only significant documentary leaks were transcripts of two White House conversations, of June 30 and Sept. 15, 1972, to *The Washington Post*, *The Boston Globe* and *The New York Times*. That problem was handled by not allowing the members to take the transcripts out of the hearing room. Then the documentary leaks died down, although Knight Newspapers and the *Philadelphia Bulletin* continued to get some.

'There has been a good deal of pious talk from the judiciary committee about how the Grand Inquest of the Nation requires every citizen, high or low, to come forward with evidence, but only the dimmest acceptance by the committee of the public's right to know how or why a President is being impeached or vindicated.'

Leaking picked up again when *The Los Angeles Times*, and then others, began getting copies of memoranda (prepared for Democrats by staff attorney William P. Dixon) which were interesting chiefly because they exposed gaps or changes in the White House version of the transcripts. Almost simultaneously, Knight, the *Post* and *The New York Times* began publishing documents dealing with Kissinger's role in White House wiretapping. And, finally, the *New York Daily News* and the *Baltimore Sun*, attributing their riches to a Republican committee source, started publishing the highlights of each day's evidence books.

It is important to distinguish these leaks from the more typical Washington leak that is initiated by the leaker, the kind the President discussed approvingly in the transcripts. These are put out either as trial balloons, or when one side in a bureaucratic argument thinks it is getting the worst of the battle, or thinks that its point of view or discoveries are being ignored (the rationale for many of the later Watergate committee staff leaks). The judiciary committee leaks were not the result of committee members seeking out reporters and pushing documents on them. They were the result of persistent harassment and cajolery by reporters. In some cases, the argument that the evidence would hurt the President or the perhaps deserving Dr. Kissinger may have provided the magic words. In others, the public's right to know what was happening was successfully argued. And old favors and friendships were traded on, too.

There is no doubt that Democrats who want the President impeached have provided most of the leaked information. But the image the White House propagandists seek to convey, of those Democrats racking their brains each day to find something that will damage the President, and then hurrying out to peddle it, is false. The reporters have initiated the leaks, and they have either had to know precisely what they were seeking or get access to an entire evidence book before they could get much news. None of the committee members—and they, rather than the almost watertight staff, have been responsible for the leaks—has ever called me up the way a White House aide did not long ago to alert me to a particularly interesting item helpful to Nixon that could come before the committee, and suggest how I could get it.

There are, of course, some serious arguments against reporters pursuing leaks too

Adam Clymer, a member of the *Baltimore Sun's* Washington bureau, has been covering the impeachment proceedings from the start.

energetically. And the biggest one, it seems to me, is that they often get overplayed and distract attention from other, more important elements of the ongoing impeachment story. At one point early on in the committee's hearings, for example, the members were to listen to the tape of the March 21, 1973, morning meeting with President Nixon, John W. Dean, and H.R. Haldeman. One hot rumor in Washington was that the President's last instruction of the meeting—rendered in his edited transcripts as "(inaudible) has to get out"—would cinch the case by being heard as "The money has to get out." And another gap that intrigued us, coming as it did after strong presidential words to Dean about the importance of paying off and silencing E. Howard Hunt, was the expletive deleted in "(Expletive deleted) get it." Enough reporters were pursuing these two gaps so that probably half the 38 members of the committee had promised one pack member or another that they would watch for them—and tell.

The assignment was simple enough, and on the first point, the committee members generally agreed that it was nothing exciting. Those who remembered more precisely what they had heard thought it was something about Ziegler having to get out, presumably to bob and weave in front of the White House press corps. But on the deleted expletive, there was no consensus. The reporters quickly started pooling their answers. It got to be something like ten committee members for "Goddamn it, get it," to seven for "Jesus Christ, get it" to one for "Well, for Christ's sake, get it." As it turned out, the one was right.

A more dangerous illustration of this kind of herd journalism was the Kissinger wiretapping story, in which many newspapers paid almost no attention to evidence bearing on the President's involvement in the wiretaps, especially the ones that had nothing to do with national security. Kissinger may have made better copy, but no one was impeaching him.

In theory at least, leaks provide exclusive material, and reporters get a kick out of exclusives, as do their editors. But what's the last major prize anyone can remember going to a journalist who simply covered a beat or a running story—the basic facts of which were available to everyone—better than anyone else? The committee's easily penetrable curtain of secrecy has put a premium on leaks, helping divert many reporters from the slogging, day-in-day-out reporting of what the judiciary committee heard and what impression, if any, it made on the members—the kind of story Jim Naughton, backed by David Rosenbaum and Diane Henry, has been doing for *The New York Times*.

For the press, the problem of leaks on the impeachment story is not one of fairness. The leaks have made the President look bad because the secret evidence makes him look bad. For us, the problem of leaks (and the problem of senseless and unworkable secrecy) is the problem of taking our eyes off the ball, of joining the dimmer or timid members of the committee in their oversimplified search for that one piece of decisive evidence—the so-called "murder weapon"—that will settle the Nixon case. I suppose we have to look. And when we find evidence, even though it is not that dramatic, we have to print it. But we have to find room, both in the paper and in our own energies, for learning and telling what is going on in the minds of the 38 worst legmen in town, whose other role is to recommend to the House of Representatives whether the President of the United States should be impeached for high crimes and misdemeanors.

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